Ohio Rail Development Commission

50 West Broad Street, Suite 1510, Columbus, Ohio 43215
614-644-0306 (telephone) • 614-728-4520 (fax) • www.dot.state.oh.us/ohiorail

January 8, 2009

Dear Commissioners:

Enclosed please find relevant information to the **Thursday, January 15, 2009** Commission meeting. Minutes of the November 2008 meeting are included for your review.

The meeting will be held in the Vern Riffe Center, 31st floor, **South A** beginning at 10:00 a.m. If you haven't already done so, please contact Wende Jourdan to confirm your attendance. You may reach her at 614/728-9497 (telephone) or by e-mail at wende.jourdan@dot.state.oh.us.

We look forward to seeing you.

Sincerely,

Jolene

Jolene M. Molitoris
Chair

enclosures

THE OHIO RAIL DEVELOPMENT COMMISSION

MEETING AGENDA

Thursday, January 15, 2009, 10:00 a.m.
Vern Riffe Center for Government & the Arts
77 South High Street, 31st floor, Columbus, Ohio

CALL TO ORDER: Jolene M. Molitoris, Chairwoman

- Welcome
- Roll Call
- Approval of Minutes from November 2008 Meeting

21ST CENTURY TRANSPORTATION PRIORITIES TASK FORCE: Chairwoman Molitoris

FEDERAL STIMULUS PACKAGE: Chairwoman Molitoris

EXECUTIVE DIRECTOR REPORT: Matt Dietrich

FINANCE REPORT: Megan McClory

PROJECTS FOR APPROVAL

- Resolution 09-01: CSX North Baltimore Safety Initiatives
- Resolution 09-02: Wheeling & Lake Erie Akron Sub – Crossing Safety Improvements
- Resolution 09-03: Case Farms – Additional Funding
- Resolution 09-04: Diesel Emissions Reduction Grant Program
- Resolution 09-05: US Department of Housing and Urban Development: Economic Development Initiative-Special Project Grant

APPROVED PROJECT BRIEFING
Amtrak 3C Study

PANHANDLE LONG TERM LEASE COMMITTEE REPORT:
Commissioner Tom McOwen, Committee Chairman

REPORTS OF STANDING COMMITTEES: Committee Chairs

OLD BUSINESS

- Resolution 09-06: Abandoned Railroad Rights-of-Way

NEW BUSINESS

- 2008 Accomplishments and 2009 Opportunities and Challenges
- Resolution 09-07: Resolution Recognizing Senator Brown's Allocation for Ohio Hub Environmental and Project Development Funds

PUBLIC COMMENT

ADJOURN

MINUTES OF THE OHIO RAIL DEVELOPMENT COMMISSION
REGULAR BI-MONTHLY MEETING
NOVEMBER 13, 2008

CALL TO ORDER

The meeting of the Ohio Rail Development Commission was called to order by Chairwoman Jolene M. Molitoris at 10:05 a.m. on Thursday, November 13, 2008.

MEMBERS PRESENT

Chairwoman Molitoris asked Megan McClory to call the roll. Members present included: Chairwoman Jolene Molitoris, Commissioners Tom McOwen, Herk Wolfe, Larry Sowers, Maryann Freed for Director Beasley, William Murdock, Barbara Bennett, Rob Greenlese, Representative Robert Hagan; and William Lozier. Members absent were Solomon Jackson, Senators Capri Cafaro and Larry Mumper and Representative Larry Flowers. There were nine voting members present once Commissioner Murdock arrived at approximately 10:20 a.m.

ACKNOWLEDGEMENT OF VETERANS DAY

Chairwoman Molitoris stated we are privileged to have our meeting today during the week of Veterans Day; we celebrate the brave and overwhelming sacrifice from the beginning of the history of our country to the men and woman serving our country today.

INTRODUCTION OF ROB GREENLESE, NEW ORDC COMMISSIONER

Chairwoman Molitoris introduced Rob Greenlese and welcomed him to the commission. She stated Commissioner Greenlese joined us at our Fall Retreat. Previously Rob served as the Director of Surface Transportation and Logistics for the Toledo-Lucas County Port Authority. He also served as a Distribution Manager at the Andersons, and is currently a member of the Toledo Area Regional Transit Authority Board of Trustees.

WELCOME TO MARIANNE FREED OF THE DEPT. OF TRANSPORTATION

Chairwoman Molitoris welcomed Marianne Freed as Director Beasley's designee. Marianne has been a leader at the Department of Transportation for a long time and has been an advocate for transit in this state.

CONGRATULATIONS TO SENATOR CAPRI CAFARO

Chairwoman Molitoris noted that Senator Cafaro was recently elected as the leader of the Ohio Senate's Democratic caucus. Chairwoman Molitoris expressed pride for Senator Cafaro and expressed hope for a wonderful advocate for transportation and rail issues of our State.

FAREWELL TO REPRESENTATIVE LARRY FLOWERS AND SENATOR LARRY MUMPER

Chairwoman Molitoris informed the Commissioners and audience that two of the commission's legislative members who have been supportive of our work and endeavors will be leaving us.

Representative Larry Flowers has been an ORDC Commissioner since 2007; he is completing his service to the 19th District of the Ohio House. We want to thank him for his support during the 127 General Assembly and hope he will be able to continue his work to support rail transportation. Stu Nicholson, ORDC's Public Information Officer, presented Resolution 08-20 to honor Representative Flowers' service.

Chairwoman Molitoris asked for a motion to approve Resolution 08-20. ODOT Designee Maryann Freed moved to approve the motion and Commissioner Sowers seconded the motion. Roll call was taken with eight votes in the affirmative.

Senator Larry Mumper, who is not here today because he is recovering from heart surgery, is completing his service to the 26th District of the Ohio House. He has been a Commissioner since 1998. We want to thank him for his support during his remarkable decade of service. Commission Resolution 08-21 honoring Senator Mumper was read by Stu Nicholson, Public Information Officer.

Chairwoman Molitoris asked for a motion to approve Resolution 08-21. Commissioner McOwen moved to approve the motion and Commissioner Bennett seconded the motion. Roll call was taken with eight votes in the affirmative.

Commissioner Murdock arrived at approximately 10:20 a.m.

APPROVAL OF THE MINUTES OF THE SEPTEMBER MEETING

Chairwoman Molitoris asked for a motion to approve the minutes of the September 11, 2008 meeting. Commissioner Wolfe moved to approve the minutes and Commissioner Bennett seconded the motion. Roll call was taken. The minutes were approved as presented with nine votes in the affirmative.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Matthew Dietrich expressed gratitude toward Senator Mumper and Representative Flowers for their service and directed the Commission to the Executive Director's report on page 12 of the commission packet.

Director Dietrich reported that staff has been focusing on a number of initiatives and has "a lot of balls in the air." Projects include 3-C Passenger Start-up Service, the Logistics Portion of Ohio's Job Stimulus Package, and the Panhandle Long Term Lease discussions. ORDC is also actively working with Cincinnati's regional planning agency, OKI, on the extension of the Norfolk Southern "Heartland Corridor" to Cincinnati. The next step will be to obtain Federal approval.

Chairwoman Molitoris stated Director Dietrich has taken a leadership role in working with ODOD in a partnership with the stimulus package. She wanted to thank him for doing such a great job in pulling the partnerships together.

Director Dietrich stated ORDC has finished the first round of meetings with the cities along the Amtrak 3-C Service line. ORDC and Amtrak have finalized a scope of work and hope to have an executed agreement after legal review.

Director Dietrich reported staff and Commissioner McOwen made a trip to CSX Headquarters in Jacksonville; a summary of that visit is attached to the report. On a project level they had a great deal of success; they reached an agreement on several strategic initiatives in terms of safety and corridors.

Director Dietrich stated there was a FHWA Quality Improvement Review of the ORDC Safety Programs; in summary the report found that Ohio's Railroad-Highway Grade Crossing

Improvement Program is administered in substantial compliance with federal requirements. The review did identify some items related to project oversight, some of which staff was already addressing. The report provides guidance to strengthen Ohio's administration of the program. Copies of the report can be made for anyone who desires it.

Director Dietrich echoed Chairwoman Molitoris's statement about partnerships; he and Marianne Freed attended a meeting in Lorain County regarding planning for an alternatives analysis of the West Shore corridor.

Chairwoman Molitoris stated it is encouraging to see these partnerships grow and feels ORDC has been doing this well for a while.

FINANCE REPORT

Megan McClory, ORDC's Secretary-Treasurer, presented the Finance Report to the Commissioners. The report can be found on page 26 of the commission packet. Ms. McClory reported a budget cut of $174,000. "We've been able to make some savings from our operating budget", Ms. McClory stated. "We are still waiting for final approval as to how that will be allocated."

Ms. McClory reported we are working on a second college intern position. Currently, we are reviewing applications and will be interviewing shortly.

Ms. McClory reported that Greater Ohio Ethanol, an ORDC loan recipient, filed for bankruptcy in mid-November. Their original loan amount was $1 million and they've repaid just over $100,000 of that balance. We are a secured lender and have a first position. Alan Klodell has been following the legal filings for ORDC and we are scheduled to go to a meeting of creditors in Toledo next week.

Ms. McClory stated that a bridge from Marne Road in Licking County, crossing the Panhandle Line, is the sole source of highway access to two properties. One of the residents has contacted the ORDC and the railroad; he is unable to get emergency vehicles to his home due to the condition of the bridge. The railroad worked with the adjoining property owner and has a verbal agreement with the second property owner to allow access from his driveway. The driveway arrangement is temporary and appears to be a minimal cost. ORDC will make funds available to remove the bridge and put in an at-grade private crossing.

Ms. McClory stated we have closed two loans; one to the Village of Leipsic; they built rails to connect to the three rail lines that service an industry park in the community, and a second loan was closed with West Central Ohio Port Authority to replace a bridge on their line.

Ms. McClory reported that the 2009 Commission Meeting Schedule dates are in the packet. Chairwoman Molitoris asked that Ms. McClory confirm those dates with the Commissioners.

PROJECTS

Resolution 08-22 – Indiana & Ohio Blue Ash Rehabilitation

Lou Jannazo, ORDC's Chief of Project Development, stated the briefing is on page 31 in the packet and described the history of the rail line. He stated the funding is a 50/50 match with the

I&O providing $251,499. This project will enhance service for eight shippers on the line, employing 141 people. He stated by improving the track it will cut down on derailments, of which there have been twelve in the past two years. The rail service is slow at this time due to the track condition.

Ryan Ratledge, General Manager of the I&O, was present and stated he is appreciative of consideration for this project. Derailments negatively impact the company's service and the railroad welcomes the opportunity to improve consistently to shippers.

Commissioner Greenlese asked if the I&O anticipated any additional carloads as a result of this project. Mr. Ratledge stated with improvement to the line, Smurfit may increase their carloadings, though there is no specific estimate. Representative Hagan asked how many locomotives are used along the line. Mr. Ratledge said they need tow because of the grade.

Chairwoman Molitoris asked for a motion to approve Resolution 08-22. Commissioner Sowers moved to approve the motion and Commissioner Greenlese seconded the motion. Roll call was taken with nine votes in the affirmative

Resolution 08-23 – Wheeling & Lake Erie Akron Subdivision Crossing Safety Improvements

Mr. Jannazo stated the briefing is on page 41 and gave a powerpoint presentation. This project consists of multiple crossing improvements along the line, and Susan Kirkland and Mike Forte of ORDC's Safety Section were heavily involved in selecting the enhancements. The request is $175,000 in grant money to be matched by the W&LE at $175,000. W&LE intends to increase the speed from 25 mph to 40 mph on the track and has made major improvements using their federal RRIF loan. Mr. Jannazo stated the ORDC will be helping fund surface and warning device improvements to enhance safety to the public. The $175,000 will be used to first improve two surfaces, Lance Road and White Pond Road, and then upgrade signals at up to ten crossings as the funding allows. In addition, ORDC is considering another project with safety section funds to install warning lights and roadway gates. The signal upgrades include circuitry upgrades to accommodate the faster speeds, as well as upgraded roundels with larger LCD lights, "gatekeepers", and other enhancements. With the ORDC funding, the crossings will be brought into compliance with current MUTCD standards.

Representative Hagan stated the increasing speed through the curves coming into a blind area concerned him. Mr. Jannazo indicated that is why ORDC's safety section is involved in this project. Representative Hagan stated that he can't impress enough the fear of train crews who know that motorists are accustomed to slower train speeds. Mr. Jannazo stated the railroad will work with law enforcement to make sure the public is aware of the changes.

Bill Callison, President of the W&LE, was present and stated this is a complicated project and the railroad appreciates the ORDC staff working hard to make these crossings safer. He stated that additional public education will be provided through Operation Lifesaver and the PUCO.

Commission Wolfe had concerns about the liability of the Commission. He asked whether all the crossings should be equipped with new circuitry because when federal safety funds are used for a project, the entire circuitry/warning device installation is replaced. He asked whether using

state funds to do less than ORDC normally does with federal funds would open the state to liability. Commissioner Wolfe also asked if the railroad increases the speed on the line how do the shippers benefit? Do they get their rates reduced?

Mr. Jannazo stated that the crossings will be brought up to compliance with current MUTCD standards, if they are not. He stated that with this project the improved crossings will not only meet the federal standards but be better than the minimum requirements. Without ORDC participation, the railroad would not do the additional enhancements of roundels and gate keepers. The public is getting a better crossing than they would otherwise at a much lower cost than the typical $200,000 per crossing to do an entirely new warning device installation.

Commissioner McOwen stated that Commissioner Wolfe raises excellent points regarding shippers and perhaps it is better to discuss that issue in a retreat-type setting when background research can be done and the commission can consider how best to address it. He spoke in favor of the crossing improvements and stated that anytime crossings can be improved it is a good thing.

Chairwoman Molitoris asked if ORDC has done a project of this nature in the past. Mr. Jannazo was not aware of any. Alan Klodell, legal counsel to the ORDC, stated that the ORDC would be indemnified by the W&LE in our grant agreement, however ORDC could still be a party to legal action.

Mr. Callison stated that an extensive safety analysis was done of this project and pointed out the indemnification, insurance coverage of the railroad, and overall improvement to shippers and the public.

Commissioner Bennett stated that this project seems like a win-win for the public and the railroad and asked about requirements on federal funds that necessitate new installations and not upgrades.

Chariwoman Molitoris stated she would like to table this issue until the January 2009 Commission meeting to fully vet the issues involved.

Commissioner Lozier stated Michelle May, of ODOT Safety, is open to helping crossing money go further. Chairwoman Molitoris asked whether this project had been discussed with ODOT as part of the ongoing partnership between the two agencies. Commissioner Lozier stated that ODOT would take applications for railroad projects.

Commissioner McOwen asked inquired the ramifications of not approving this project now. Mr. Callison stated that they would keep the line at 25 mph until the Commission has an opportunity to reconsider the project.

Mr. Dietrich summarized that the outstanding issues are the potential liability of using state funds for crossing upgrades and the difference between MUTCD compliance and federal standards for FHWA funds. Chairwoman Molitoris added a policy decision regarding re-doing crossings with state funds. She also asked that staff pursue the ODOT partnership more aggressively so that if ODOT safety funds can be used, they are considered.

Resolution 08-24 – US Rail/City of Jackson Rehabilitation Project Amendment to Resolution 08-08

Mr. Jannazo stated this briefing is on page 49 and is an amendment to a previously approved project. Staff is asking to postpone much of the work on the US Rail/City of Jackson project that was approved in Resolution 08-08 in order to address more urgent needs on the same line. The original project consisted of a $324,000 grant and a $300,000 loan for track work on the City of Jackson-owned US Rail operated line. Since that time, US Rail submitted an application for assistance with repairs to the Richland tunnel. It has become clear that the tunnel work cannot be delayed. The City is requesting delaying other track work that is planned and instead doing the work immediately on the tunnel and on a nearby bridge. If either of those structures were to fail it would shut down rail service to the entire city-owned line. The amount of the grant to be used for the tunnel will be based on an inspection of it. The Resolution that staff is recommending will amend Resolution 08-08 to allow the City to proceed with tunnel/bridge repairs. In addition, the $300,000 loan could be used for track repairs and engineering work on the tunnel/bridge.

Mayor Randy Heath of the City of Jackson and Shane Goodman of US Rail were in attendance. Mayor Heath stated they are working with George Wehner to inspect the bridge and Grant Cook to provide the engineering. He wanted to thank Lou Jannazo for making numerous trips to Jackson to help them work on the problem.

Commissioner Lozier asked whether an engineering firm is doing the tunnel inspection. Mayor Heath stated that Grant Cooke did the preliminary inspection and with Commission approval they will have a full inspection done. The estimates they are using for tunnel repair are from Fenton Rigging.

Chairwoman Molitoris asked for a motion to approve Resolution 08-24. Commissioner Sowers moved to approve the motion and Commissioner McOwen seconded the motion. Roll call was taken with nine votes in the affirmative.

Resolution 08-25 Dennison Depot "Polar Express"/Panhandle Line Agreement

Megan McClory gave a briefing on the Polar Express. At the July meeting the Commission approved a resolution allowing the Dennison Depot to operate the Polar Express service along the Panhandle line. Since the change in ownership of the Ohio Central Railroad System the new owners are open to operating excursion service and have reached an agreement with the Dennison Depot to operate those trains. The railroad asked the Depot during their conversations to make a request to ORDC for a single change to the conditions that the Commission approved back in July. The change is to the provision that requires local law enforcement to provide additional protection at grade crossings while the train was in operation. Since the Ohio Central has agreed to operate the train during the Polar Express, staff is recommending eliminating the requirement of law enforcement presence at grade crossings.

Chairwoman Molitoris asked for a motion to approve Resolution 08-25. Commissioner Bennett moved to approve the motion and Commissioner Wolfe seconded the motion. Roll call was taken with nine votes in the affirmative.

APPROVED PROJECT BRIEFINGS

Maumee & Western Railroad Hot Starts

Mr. Jannazo stated the briefing is on page 74 of the packet. Staff recommends a loan to the M&W to buy hot start units for the locomotives in order to save fuel. It is environmentally friendly that locomotives don't have to be idled when not in use.

Lawrence County Port Authority for Chatham Steel

Beverly Lee reported the State of Ohio offered an incentive package to Chatham Steel to entice them to the State of Ohio. Ohio was in competition with two other states. ORDC offered a grant of $80,000 to the Lawrence County Port Authority to assist with off-site rail infrastructure needs. Chatham Steel will invest up to $8 million to open a distribution center in Lawrence County, creating 50 new jobs [not the 60 listed in the briefing] and generating up to 78 carloads per year.

Dr. Bill Dingus was present from the Lawrence County Port Authority and expressed his appreciation of the opportunity to work with the State of Ohio.

Chairwoman Molitoris stated the Ohio Department of Development is a partner in the project and has invested significantly in this project.

PASSENGER RAIL UPDATE

Director Dietrich provided a follow-up to the Commission retreat regarding the project timeline for the 3C Passenger Service start-up. Chairwoman Molitoris stated at the retreat she would like to see a 2010 start. In order to identify the work needed, staff created two project timelines, one going forward and one going backward. The 2012 timeline incorporates the information ORDC has received from various entities regarding the work needed to establish service. The 2010 timeline reflects the modifications necessary to target 2010 for establishment of service. The two timelines are on pages 81 and 82 of the packet, and a briefing on pages 83-85 reflects the challenges to the project. The challenges include:

- Delivery of the Amtrak Report: 6/30/09 draft report, 8/31/09 final report; agreement is still being finalized;
- RTC capacity modeling: the extent of the modeling will impact the Amtrak report. ODOT has committed $500,000 in planning funds but the final cost will be determined once routes are determined and railroads are consulted;
- Equipment procurement: Ohio may be the first state-sponsored service for which Amtrak cars are not available. New equipment is expensive and at least 2-3 years from order to delivery; the market for refurbished equipment is already tight and getting tighter.
- State budget timing cycle: staff is working with ODOT and OBM using numbers developed in the late 1990s (inflated forward using the best available estimates), but state funding is uncertain.
- Construction: the 2010 timeline has only one construction season available, and weather uncertainties and Class I railroad force account priorities are challenges;
- Staffing resources: ORDC is seeing a new level of attention and expectation for passenger rail. In terms of skill sets, staff is comfortable with planning & negotiating, though is seeking a small contract with an experienced implementer. Project management and construction of improvements is outside the current ORDC skill set, and staff is seeking expertise within other state agencies. Once the system is operating, ORDC will likely need assistance with contract and operating oversight.

- Positive train control: this will be required on "mainlines" – those carrying passenger trains and toxic inhalation hazards – by 2015. It appears that railroads' positions will be that if PTC is required because of passenger service, funding the installation will be the responsibility of the passenger service sponsor. FRA guidance is forthcoming.

PANHANDLE LONG-TERM LEASE COMMITTEE REPORT

Commissioner Tom McOwen, Chairman of the Panhandle Long-Term Lease Committee, reported that the Committee is moving forward with discussions with the Columbus & Ohio River Railroad (Ohio Central), and that the new owners want to proceed. The Panhandle appraisal update was just completed and will be considered by the Committee.

REPORTS OF THE STANDING COMMITTEES

Economic Development/Long-Term Strategy Committee

Commissioner Barbara Bennett, Committee Chair, stated they had a meeting in September. They spent 3½ hours conducting a SWOT (strengths, weaknesses, opportunities, and threats) analysis. They had a discussion on a State Rail plan for freight and passenger rail planning for the next 20 years. She would like to have the second meeting directly after the January Commission meeting. The Committee will use the information from the retreat and feedback from the 21st Century Task Force for discussions.

Legislative Committee

Chairwoman Molitoris stated Matt Dietrich is staying involved in the 21st Century Task Force and the report will be completed in the next month. The federal Authorization Bill will begin in-depth after the first of the year, which will be the six year bill outlining the federal role in transportation endeavors.

PUBLIC COMMENT

No comments were made.

NEW BUSINESS

Commissioner Wolfe stated things are changing in the world with a new President-elect coming on-board, and trouble in the automotive industry. He proposed that the state embargo all of the rail lines abandoned in Ohio (since 1940) to conduct an inventory. He would like ORDC to ask legislators to temporarily embargo the abandoned lines to give public agencies an opportunity to develop long term plans and identify rail line segments for restoration. Such a project would take traffic off highways and create projects for a WPA-type agency.

Chairwoman Molitoris stated she appreciates the idea of thinking differently about Ohio's rail assets and agreed we need to look forward. She asked Director Dietrich to discuss the idea further with Commissioner Wolfe and ODOT Planning.

Director Dietrich stated a critical element of the state's rail plan is to develop an inventory of existing rail assets. Staff expects the passenger rail intern to work on this project.

COMMISSION RETREAT DEBRIEFING

Director Dietrich reported Megan McClory prepared a summary for the Commissioners. Staff was asked for their comments on the retreat, and the general view was that the group tried to do 3

days worth of planning work in a 7-hour retreat. He believes that the retreat gives lenses in which to view various activities. One of the themes from the retreat was education, and he suggested that the change in leadership at the Ohio House and the upcoming budget give staff a clear place to focus education efforts. Director Dietrich stated he also believes staff has enough direction to move forward, but would like feedback from Commissioners.

Chairwoman Molitoris stated last January we set priorities and principles the ORDC would pursue for the year. It would be good to bring these back out to evaluate them. We would then take the substance of the discussion from the Retreat and incorporate those into a proposal for the Commission about the way we will direct our work in the New Year.

Commission Lozier expressed interest in being involved in the education process so that ORDC staff and commissioners are conveying a consistent message.

ADJOURNMENT
Chairwoman Molitoris called the meeting adjourned at 12:25 p.m.

RESOLUTION 09-08

RE: RESOLUTION HONORING OHIO DEPARTMENT OF TRANSPORTATION DIRECTOR JAMES BEASLEY FOR HIS SERVICE TO THE OHIO RAIL DEVELOPMENT COMMISSION

WHEREAS, Director James Beasley is retiring from the Ohio Department of Transportation; and

WHEREAS, Director Beasley has served as an Ohio Rail Development Commissioner since 2007; and

WHEREAS, Director Beasley has made a commitment to the mission of the Ohio Rail Development Commission and to the development of rail transportation; and

WHEREAS, Director Beasley has strengthened the relationship between the Ohio Department of Transportation and the Ohio Rail Development Commission; and

WHEREAS, Director Beasley has taken a broad view of Ohio's transportation network and the resources available to support it and has used the resources of the Ohio Department of Transportation to minimize the impacts on the Ohio Rail Development Commission's programs;

NOW, THEREFORE, BE IT RESOLVED by the ORDC of the State of Ohio that it honor Director James Beasley for his service to the Ohio Department of Transportation, the Ohio Rail Development Commission, and the citizens of the state of Ohio, acknowledging his contributions to the promotion of rail transportation in the state of Ohio.

Moved By _____
Seconded By_____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	____	no	____	absent	____	abstained	____ recused
Director James Beasley	____	yes	____	no	____	absent	____	abstained	____ recused
Barbara Hammontree Bennett	____	yes	____	no	____	absent	____	abstained	____ recused
Robert Greenlese	____	yes	____	no	____	absent	____	abstained	____ recused
William Lozier	____	yes	____	no	____	absent	____	abstained	____ recused
William Murdock for Lt. Gov. Fisher	____	yes	____	no	____	absent	____	abstained	____ recused
Solomon Jackson	____	yes	____	no	____	absent	____	abstained	____ recused
Thomas McOwen	____	yes	____	no	____	absent	____	abstained	____ recused
Larry Sowers	____	yes	____	no	____	absent	____	abstained	____ recused
Herk Wolfe	____	yes	____	no	____	absent	____	abstained	____ recused

ORDC ACTION: Motion approved _____ Other action _____
Motion denied _____ Date 1/29/2009

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/29/2009
Jolene M. Molitoris, Chairwoman Date

TO: ORDC Commissioners
FROM: Matthew Dietrich
SUBJECT: January 2009 Executive Director's Report

This document reflects the accomplishments and highlights of the Ohio Rail Development Commission since the November Commission Meeting.

Heartland Corridor Extension: ORDC/Norfolk Southern received notice from the Mid Ohio Regional Planning Commission that it would not be receiving funding for the $3.3 million improvements identified in the Columbus area. All project partners are now actively pursuing alternative funding sources.

Ohio Bipartisan Job Stimulus Plan: The Logistics and Distribution Stimulus Program began accepting applications on November 21, 2008. A copy of the Notice of Funding Available is included as an attachment to this report. ORDC staff members Lou Jannazo, Megan McClory and Matt Dietrich are part of the project review team.

Amtrak 3-C Service: By the time of the meeting, ORDC staff will have met with representatives of Cleveland, Springfield and Cincinnati on additional station planning. As noted in the agenda as an approved project briefing, the ORDC/Amtrak contract is signed and Amtrak began work on January 5th.

Outreach: Members of the staff have participated in the following events:

- All Aboard Ohio presentation to Board Members.
- Staff assisted Art Arnold and Rep. Hagan with their presentations to the winter meeting of the Midwest Interstate Passenger Rail Commission in Omaha.
- Staff assisted Prof. Joe Fiskel at OSU's Fisher College of Business with information on the environmental and economic benefits of passenger rail.
- Staff gave a presentation to the MORPC Policy Committee and MORPC Board regarding updates on the Ohio Hub and 3-C start-up plans.
- Staff participated in several States for Passenger Rail conference calls.
- Staff gave a presentation on the Ohio Hub / 3-C startup for the City of Mansfield and local officials /business leaders.
- Staff gave a presentation on its passenger rail efforts at All Aboard Ohio's 3-C Corridor Summit in Cleveland.

Panhandle Appraisal: As reported by Commissioner McOwen at the November meeting, ORDC received the Panhandle Appraisal. Below is a summary of the revised values.

	2008 Values	**2004 Values**
Real Estate	$ 15,524,000	$ 7,200,000
Track and Fixtures (State-owned)	$ 41,281,647	$ 17,000,000
Total	$ 56,805,647	$ 24,200,000

2008 Accomplishments and Goals for 2009

In January of 2008, the Commissioners were provided with the 2008 ORDC Action Plan. Additionally, the October Commission Retreat provided staff areas of focus from the Commissioners. Below is a summary of the outcomes of the retreat:

Outcomes

The major themes and action steps that evolved were:

- Education including the benefits of the ORDC, the benefits of freight railroads to the commerce of the state, the benefit of passenger rail to the state and the identification of potential private sector partners for future rail development activity.
- Quantification/communication of the return on rail investments.
- Specific actions to address freight/passenger rail capacity issues, including continuing work on grade crossings and addressing rail bottlenecks in the system.
- Continue to aggressively pursue public/private partnerships.
- Develop a state rail plan in the context of the state's overall transportation and economic development priorities.
- Pursue funding opportunities for rail and the restructuring of existing financing streams.
- Pursue both the Amtrak 3C start-up plan and the PEIS on the Ohio Hub.

An overriding theme of partnership emerged, including working with railroads, legislators, highway planners, and other parties interested in or affected by the rail network.

At the last meeting, the Chairwoman asked me to provide an overview on my perspective about ORDC accomplishments during the previous year, as well as recommendations on areas of concentration for 2009. Many of the items on the 2008 Action Plan are strategies as opposed to specific projects. ORDC has many initiatives under way in each category. Given the current number of major initiatives, I believe it is critical for the Commission to focus its efforts in the upcoming year on completing the numerous initiatives underway.

1. ***Federal/State Initiatives: Seek action to obtain resources for ORDC rail infrastructure investment***
   - 21st Century Transportation Priorities Task Force: Convened by Governor Strickland in May with a Mission "To envision and champion the optimum transportation system for Ohio's future and recommend the resources and financial tools needed to build and sustain it." ORDC staff has been involved in the Task Force work since its inception to provide information and testimony regarding the public benefits of both freight and passenger rail service to Ohio.
   - Ohio Enterprise Bond Fund: After several attempts in the past, with the assistance of ORDC's legislative members, the State Treasurer's office and Senators Padgett and Wilson, ORDC was able to secure the necessary Ohio Revised Code changes that allow ORDC to leverage its loan funds for Enterprise Bond Fund financing through the Department of Development. ORDC staff met with ODOD staff to discuss program parameters and funding opportunities.
   - Logistics and Distribution Program Development: On June 12, 2008, the Governor signed HB 554, the $1.57 billion bipartisan economic stimulus package which includes

$100 million for logistics and distribution. The logistics and distribution program will be administered by the Ohio Department of Development through the Development Financing Advisory Council with consultation of the Department of Transportation and the Ohio Rail Development Commission. ORDC staff was part of the team assembled to develop the program parameters, criteria and application materials as well as part of the public outreach team.

- Federal Infrastructure Stimulus Proposal: Beginning in the October 2008, staff has been working with the Department of Transportation, the Governor's Office and the Governor's Washington Office to identify Ohio's rail needs for any proposed infrastructure stimulus proposal.
- Sponsorship of Diesel Emission Reduction Grant Program Applications for Rail Projects: ORDC was successful in sponsoring railroad projects for the DERG Program administered by the Ohio Department of Development. In the first round of the program, five of the 10 awards were to ORDC-sponsored applications totaling $4.9 million.
- Sponsorship of Railroad Applications for Federal Funding from Metropolitan Planning Organizations: ORDC sponsored two applications to MPOs, the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) and the Mid-Ohio Regional Planning Commission (MORPC), for rail line improvements between Cincinnati and Columbus. The OKI application was awarded federal funds in the amount of $1.065 million.

2. ***Ohio Hub: Pursue Federal Funding for the required environmental (NEPA) work of the Ohio Hub.***
   - FRA Grant: ORDC was successful in its application for federal planning funds to begin work on station development and associated route analysis for both the short and long term in the 3-C Corridor, and was awarded a grant of $62,500. FRA and ORDC are currently determining the final scope of the project, which should take approximately twelve months to complete.
   - PEIS: ORDC staff has been working with ODOT's Environmental Section to determine if there are ways to advance elements of the PEIS incrementally and what resources exist within ODOT that could be utilized for this task.
   - Keystone Corridor Expansion: Congressman Tim Ryan secured in legislation the examination of the designation of the Cleveland - Pittsburgh corridor as an extension of the Keystone High Speed Corridor.
   - Allocation of $500,000 for Cleveland: In the last session of Congress, Senator Brown successfully secured an allocation of $500,000 for Cleveland – Columbus PEIS work. Although that bill did not pass in the last session, it is our hope that Senator Brown will resubmit this request.

3. ***Amtrak Start-up Service: Explore opportunities for Amtrak Start-up Service in Ohio. This work would build on the work of the Ohio Hub by combining the long term vision of a fully developed high-speed passenger rail system in Ohio as described in the Ohio Hub and the incremental corridor approach of Amtrak's state-sponsored Corridor Trains.***
   - February 26, 2008 Governor's Letter: Governor Strickland sent a letter to then Amtrak President Alexander Kummant to request Amtrak analyze passenger service in the Cleveland-Columbus-Cincinnati Corridor.

- Staff Alternative Route Analysis: Throughout the spring and summer of 2008 ORDC staff performed an alternative route analysis for potential Amtrak routes in the 3-C Corridor.
- Contract with Amtrak: After several months of work, ORDC secured a contract with Amtrak in the amount of $45,000 to be funded with State Planning and Research Funds.
- Federal Stimulus: Working together with ODOT and the Governor's Office, the State request for infrastructure includes line items for Amtrak Startup Service.
- State Budget: Given the 2010 start-up of service on the 2C/3C Corridor requested by Chairwoman Molitoris, ORDC has begun work with OBM, ODOT, ODOD and others for funding of this initiative.
- City/Local Involvement: Staff has met with City leaders in Cleveland, Columbus, Dayton and Cincinnati to begin the station location planning process.

4. ***State Rail Strategy/Plan: Develop a State Rail Strategy/Plan integrating several efforts such as identification of existing data, progression of previous efforts like the ODOT Chokepoint Study; new efforts such as a shipper and railroad-based economic development survey to provide a snapshot of what users expect/need/wish from the state's rail infrastructure; and potential capacity modeling of the rail network at some level.***
   - Conversations with Federal Railroad Administration: Since Ohio has not yet begun its work on a state rail plan, FRA has recommended that Ohio proceed with caution on this effort because the FRA has not yet issued any formal guidance. Regardless, based on recommendations of the Commission at the Retreat, ORDC is progressing on this effort with the following steps.
     - Planning Intern: Using provisions of the recently passed HB 2095, ORDC has developed a task in the position description for a passenger planning intern to begin developing necessary rail infrastructure inventory that will form the basis of a State Rail Plan.
     - State Transportation Plan: Both the 21st Century Transportation Priorities Task Force as well as many Commissioners at the October Retreat voiced support of a State Transportation Plan. ORDC staff is already discussing with ODOT what role ORDC will have in that effort as well as the need to ensure that work is not duplicated but meets all of the mandatory federal requirements of a stand-alone State Rail Plan.

5. ***Capital Bill: Explore Capital Bill opportunities for rail infrastructure projects. ORDC has not used the State Capital Bill for rail projects in the past. The concept presented is that the Commission authorizes staff to develop a multi-tiered capital request to OBM for consideration.***
   - ORDC submitted several projects for funding in the 2009-2010 capital budget process, including a lump sum for economic development projects, the payoff of the outstanding Panhandle Line debt, and rehabilitation projects for the Panhandle Line, but was unsuccessful. ORDC will not have an opportunity in 2009 due to the budget cycle but will work with operators on state lines for a more focused attempt in next round.

6. ***ORDC Safety Program: Continue Ohio's strong commitment to ORDC's Safety Programs working with ODOT, PUCO, Railroads and other interested parties to continually look for ways to improve the delivery of safety projects to the public.***
   - Integration of Economic Development and Safety projects: ORDC will continue to look for innovative ways to integrate both economic development and safety projects. Some major obstacles include contracting and timing. Because of the different funding sources and requirements, often it is very complex for contracting, construction and billing in same project. An example of that complexity is evident in the Wheeling Project that was tabled at the November meeting. Communication and Education both for our staff and our railroad and community partners are critical to this success.
   - Federal Review of Safety Programs: In 2008, ORDC Safety programs were reviewed by the Federal Highway Administration Ohio Division. While mostly positive, there are areas of improvement identified in project management and review that will be a priority for staff. The implementation of the recommendations should help standardize safety project management and oversight providing more consistency for our railroad partners.

7. ***Outreach/Communication: It will be a priority of the Commission to communicate in a clear, transparent, timely, concise and comprehensive way with all of our partners and constituents.***
   - ORDC as a resource of rail information: Stu Nicholson continues to do an outstanding job in disseminating information on all aspects of the Commission and the rail industry to the state's stakeholders. Just recently, ORDC has noticed that these efforts seem to be paying dividends now because ORDC is not getting as many calls from media and the general public seeking more information on rail projects as well as general rail information.
   - Interagency Communication: From my perspective, communication among state agencies and the ORDC has never been better.
   - Rail Industry Promotion: An evolving focus of the ORDC is its role in the general education efforts of the benefits of rail transportation to the state. In its presentations to the 21st Century Transportation Priorities Task Force, ORDC focused on 3 main themes, the benefits of rail, ORDC role in promoting rail, and the advantages of the public-private partnerships that ORDC forms to fulfill its mission.

8. ***Formation of Commission Committees: Legislative, Human Resources, Economic Development/Long-Term Strategy and Budget/Fiscal.***
   With the formation of the Commission Committees in 2008, ORDC staff has provided the support for these Commission activities. To date, from an administrative standpoint the Committees seem to be functioning well. In some cases, such as Human Resources, there are specific staff that are assisting the work of the committee, in other cases, staffing is dependent on the topics considered.

New Action Items / Goals Proposed for 2009:

- State FY 2010-2011 Operating Budget: Securing the necessary state funding to ensure that ORDC can continue its work will be THE biggest effort of the Commission this spring and summer. At budget time, there is no more important action item for the Commission than education. Echoing previous comments, this education must occur on a 3-pronged strategy:

the benefits of rail transportation to the State, the important role ORDC plays in the development of both freight and passenger rail and finally, the public-private partnerships that ORDC develops to accomplish its mission. With the changes in House and Senate membership as well as the changes in individual member roles, this education will be critical, and given past history, this effort will be a time consuming initiative.

- Finalize the Panhandle Lease Situation: With a new operator, new appraisal and new financial needs at the state, it is imperative that we resolve this outstanding request for a long term lease.
- Expand Public-Private Partnership Model to local governments, planning organizations and passenger rail efforts: 2008 was really an opportunity for ORDC to demonstrate its flexibility in contracting and partnerships with various entities for rail development. However, as resources at the state level become more competitive, ORDC must focus on how it can work even more closely with local governments and planning organizations for the benefit of freight rail projects with demonstrable public benefits. Additionally, as passenger rail takes an ever larger presence, ORDC must look at other public-private partnership models in which the public takes the lead role in initiating the project.
- Federal Stimulus Funding and Appropriations / Federal Transportation Bill: The current discussion in Washington provides the Nation with a "once in a lifetime" opportunity for federal funds for infrastructure projects. Additionally, SAFETEA-LU will expire in September 2009 so work will begin on the new transportation bill. Staff will continue to work with our state and railroad partners to ensure that both freight and passenger rail are included in that effort and that Ohio will be able to meet any criteria attached to the funding.
- Logistics and Distribution Program: With the roll-out of the Logistics and Distribution Program in November, with Development and Transportation, ORDC will continue to be part of the project review team for the program. This work with continue through state fiscal years 2009, 2010 and 2011.
- Safety Program: There are two major initiatives in 2009. The first is the implementation of FHWA recommendations to ORDC's project oversight as referenced earlier. Secondly, and in partnership with ODOT's Office of Traffic, ORDC will oversee a contract to develop standards for traffic signal pre-emption at rail-highway grade crossings and develop an inventory where such conditions exist in the state.
- State Rail Plan: Regardless of the creation of a state transportation plan, it has become very clear in the past few weeks that Ohio will need a specific state rail plan to meet upcoming federal requirements for funding eligibility. As such staff intents to immediately develop a RFP to meet the federal requirements of a state rail plan for Ohio.

Ted Strickland, Governor

Lee Fisher, Lt. Governor
Director, Ohio Department of Development

Logistics and Distribution Stimulus Program

Notice of Funding Available

November 2008

The State of Ohio Department of Development is seeking applications to implement transportation, logistics, and infrastructure projects in Ohio. In accordance with the authority provided the Director of the Ohio Department of Development under Ohio Revised Code §166.25, qualifying applicants will be eligible to apply for financial assistance to cover a portion of the cots of eligible projects. Funds are limited, but qualifying projects will be funded until all funds for this Notice of Funding Available (NOFA) are awarded or this NOFA is withdrawn.

Ohio | Department of Development

TABLE OF CONTENTS

1. Overview

2. Eligibility

3. Application Submissions and Inquiries

Section One—Overview

Logistics and Distribution Stimulus Program applications will be accepted beginning November 21, 2008. Applications will be reviewed and evaluated on a rolling basis. Financial assistance will be awarded to those applications determined by the review team to be consistent with the program goals and most meritorious relative to other applications that may then be pending.

Section Two—Eligibility

2.1 Eligible Applicants

Public, private for-profit, and private not-for-profit organizations are eligible for funding. To be funded, a project must make fixed asset investments that will create jobs and improve Ohio's position as a leader in the transportation and logistics industry.

2.2 Eligible Funding Uses

Funds from the Logistics and Distribution Stimulus Program may be used for the following: the purchase of land or buildings, purchase of machinery and equipment, building construction and/or renovation costs, purchase of on-going business' fixed assets and general construction costs. See Section II of the Program Guidelines for a more complete definition of "eligible costs."

Section Three—Application Process, Submission and Inquiries

3.1 Application Process

All prospective applicants must submit a letter of intent prior to submitting a formal application. Applications will be accepted and reviewed on a rolling basis. Each letter of intent will be reviewed by members of the Logistics and Distribution Stimulus Review Team, which includes members from Ohio Department of Development, Ohio Department of Transportation, and Ohio Rail Development Commission. Applicants may submit a formal application at any time after the letter of intent has been submitted but are strongly encouraged submit formal applications after receiving feedback from the Logistics and Distribution Stimulus Review Team.

Applications will also be evaluated by the Review Team. After initial review, applicants will be contacted for a meeting with the Logistics and Distribution Stimulus Review Team to personally present the project. Immediately following the meeting, the Review Team will complete its evaluation and make funding recommendations for consideration by the Director of the Ohio Department of Development. In selecting projects, the Director will consider the Review Team's evaluation of the project, regional distribution of Program awards, representation of transportation modes among approved projects, statewide and regional economic impact, and alignment with other Ohio economic development projects. During the selection process, the Director will consult with the Director of the Ohio Department of Transportation.

3.2 Application Submission

Letters of intent and applications are to be submitted to:

Ohio Department of Development
Logistics and Distribution Stimulus Program
Attn: Nyla Potter, Program Coordinator
77 S. High Street, 28th Floor
Columbus, OH 43215

For applications, submit one (1) original, three (3) copies and one electronic copy.

3.3 Communication and Inquiries

Applicants may submit questions to the Logistics and Distribution Stimulus Program to ldsp@development.ohio.gov.

OHIO RAIL DEVELOPMENT COMMISSION
INTER-OFFICE COMMUNICATION

TO: Matthew Dietrich, Executive Director

FROM: Susan J. Kirkland, Manager, Grade Crossing Safety Section

SUBJECT: Safety Section Progress Report

DATE: January 8, 2009

The following major objectives were met by the Safety Section during the last two (2) months:

At the November ORDC Commission meeting Lou Jannazo presented a project on behalf of the Wheeling & Lake Erie Railway (W&LE) that would improve crossings along the Akron Subdivision. The project would aid the W&LE in increasing speeds from 25 MPH to 40 MPH along its corridor from just west of Medina (MP 135.4) to Akron (MP 165). The crossing improvements proposed included two new surfaces and enhancements to existing active warning device circuitry at up to 10 crossings. A supplement to the original Project Briefing was created to provide additional clarification concerning the Safety Section's position on the project and funding sources. The message was sent electronically to our commissioners on January 8, 2009.

The NS CJ line corridor project from Columbus to Cincinnati continues with Safety Section staff and NS meeting representatives of the cities of Middletown and London to discuss the project in those cities. Discussions went well, establishing common goals and identifying potential closures for further negotiation. Communication is continuing with these communities. On the same corridor, the Springfield phase of the project is completed with the exception of the installation of wayside horns. The City is poised to file with the FRA for a quiet zone. The City hopes for the Quiet Zone to go into effect in late spring 2009. The ORDC will coordinate with the City on a Ribbon Cutting Ceremony and Media Event for the completion of the project.

The ORDC and ODOT - Office of Traffic project to review preempted highway-rail grade crossings (crossings with an interconnection between flashing lights and roadway gates and active traffic control devices) and highway-rail grade crossings that should be preempted is progressing. A timeline for the Preemption Project has been developed, consultants have met with ODOT Traffic personnel for input into the development of Ohio standards, and a meeting has been scheduled for January 21, 2009, to introduce the project to the railroads and invite railroad input.

Negotiations with the Village of McComb, Hancock County, were successfully concluded with the Village passing a resolution in favor of the closure of the grade crossing on N. Walnut Street in exchange for flashing lights and roadway gates (moved from the N. Walnut Street location) at Church Street, and two surface reconstructions at other crossings. The subsidy agreement is currently being circulated for signatures. The environmental briefing has been submitted to ODOT District for environmental clearance.

An agreement has been reached with Washington Township, Hancock County, for the closure of TR256 and the installation of flashing lights and gates at TR261. The subsidy agreement is currently being circulated and environmental clearance has been obtained with qualifications requested by ODOT District 1. The ORDC Safety Section is working with Central Office Environmental to work out the qualifications. TR256 and TR261 both on the NS B Line were identified several years ago for closure. The negotiations have been difficult and TR256 was targeted in last year's PUCO priority pick list but was held in abeyance pending our negotiations.

ACCOMPLISHMENTS REPORT
PLANNING AND PROJECT DEVELOPMENT
November 6, 2008 to January 8, 2009

PLANNER	DEVELOPMENT SPECIALISTS
Don Damron	**Lou Jannazo**
	Bev Lee

FIELD & TRACK INSPECTION

- Field inspections of proposed Cleveland Amtrak station sites.
- Field inspection of Greenfield Line bridge over Paint Creek.
- Field inspection of coal load out at Powhatan Point.
- Field inspection of proposed Franklin transload project.

ADMINISTRATIVE

- Continued staffing new Commission sub-committee on the Panhandle lease
- Helped prepare agendas and briefing packets for January 15, 2009 meeting including 2 project briefings and 1 resolution.
- Continued updating contract and contract amendment tracking system to keep better account of various EPA and Taxations clearances and the contracting process.
- Developed grant agreements for 4 projects approved at November meeting.
- Did grant agreement amendments to extend time for select projects and to reflect changes in scopes of work and termination dates.
- Did OEPA and Ohio Taxation background checks on various grant recipients.
- Personnel annual reviews for Staff.
- Don Damron has taken over as ORDC Webmaster and continues to update our site.

TRAINING

- Lou, Don, and Bev attended mandatory drug testing training.

FREIGHT PROJECT DEVELOPMENT AND IMPLEMENTATION

New Project Development/Continued Project Development

- Developed commitment letter for steel project in NE Ohio.
- Continued discussions about getting the rail line from Powhatan Point to Omal reopened for a newly located steel fabricating company as well as a major aluminum plant.
- Continued helping rail users on the Midland City to Greenfield line address issues about how future rail service will be structured on the marginally profitable branchline.
- Investigated new & ongoing spur projects such as Glatfelter in Chillicothe, Island Aseptics in Cambridge, Ohio Basic Minerals in Jackson, a new confidential project, a transload projects in Walbridge, a spur reactivation in Troy, as well as other projects.
- Continued working on Warren Steel Holding project; W&TRR rehab nearly completed.
- Continued working with City of Jackson, Jackson County Economic Development, US Rail, ODOD and others on raising funds for Phase II of Jackson Line rehabilitation and revising the current scope of work to add a bridge and tunnel.

FY 2009 Track Rehabilitation Program:

- Working with I&ORY of Oasis Branch & Ohio Central on Mt. Vernon Branch as the final two project of the FY 2009 Program; both should be on March agenda.

Diesel Emissions Reduction Grant (DERG) Program

- Investigated issue and wrote letter to FHWA requesting the FHWA allow CMAQ funds to be used to pay for 65% of new locomotives for private railroads.
- Sent out proposed ORDC – RR Grant Agreement to W&LE, Cleveland Commercial RR, and I&ORY.
- Notified Ohio railroads in non-attainment areas of Phase II of DERG Program.

Governor's Logistics Program: As part of State team, reviewed Letters of Intent for projects including those submitted by the Toledo, Lucas County Port Authority, the Port of Cleveland, R. Good Logistics, Franklin County, the Columbus Airport Authority, and NS (Rickenbacker improvements and double stack clearance from Columbus to Cincinnati), and others.

PASSENGER PLANNING

Ohio Hub

- Continued working on efforts to obtain federal earmarks for the PEIS. Refining PEIS scope. Don Damron and Stu Nicholson continue to provide information to various Congressional offices.
- Continued work and coordination with other states and railroads on Ohio Hub Study.
- Continued with various meetings and presentations on Ohio Hub plan.
- Made presentation to major ODOT conference, OTEC.

Amtrak 2C/3C Corridor Investigations

- Helped finalize scope of work for ORDC funded, Amtrak study of 3C corridor.
- Developed detailed work timelines to be able to have service start in 2010 or 2012.
- Developed order of magnitude cost estimates for 2C and 3C options.
- Coordinated with ODOT on RFP for the detailed "RTC" modeling needed to assess capacity needs on the 3C route so that capital improvements can be identified.
- Developed short term "to do" list for ORDC actions to be taken in the next 6 months.
- Started follow up work on station locations getting more details on proposed sites. Conducted meeting in Cleveland. January meetings scheduled for Dayton, Springfield, and Cincinnati.

Other Passenger Initiatives

- Continued coordination with the MWRRI study effort by participating in meetings and calls.
- Continued supporting local efforts to develop passenger service, particularly in west Cleveland.
- Kept abreast of passenger issues in across Ohio and nationally through participation in the States for Passenger Rail.
- Actively participated in AASHTO Passenger Rail Legislative Policy Team efforts for

increased federal funding in the new federal transportation bill.

OTHER PLANNING INITIATIVES

Panhandle Lease Sub-Committee: Participated in sub-committee meetings. Reviewed latest Panhandle appraisal.

Abandonments

- Continued support for Alro Corp. efforts to keep NS service to its Toledo facility, the former Art Iron plant for which ORDC paid $75,000 to establish rail service 4 years ago.

Miscellaneous:

- Continued monitoring the Gateway project.
- Continued coordination with CSX on N. Baltimore project.

MISCELLANEOUS

- ***SCORT:*** No activity.
- ***Liability Task Force:*** No activity.
- ***Glass Rock Branch:*** Continued helping with oversight of Z&W efforts to get excursion services going on ORDC owned line.

SAFETY

- Lou took short Operation Lifesaver continuing education course on line.

WPDOCS/AccomplishmentsCommission

MEMORANDUM
January 7, 2009

TO: ORDC Commissioners
FROM: Megan McClory
SUBJECT: Finance Report

Accomplishments and Highlights of the Finance Section from November 6, 2008 to January 7, 2009:

1. **Financial Statements.** Staff has prepared statements to reflect current outstanding loans, revenue collection, and project balances.

2. **Budget Reductions.**
   - At the November Commission meeting, Commissioners were informed that a 4.75% reduction to all line items had been announced and that ORDC was awaiting further information about how the cut would be allocated. Staff was recently informed that unspent operating funds from the first quarter could be applied toward the reduction, so the reduction of $174,088 was charged to unspent operating funds ($12,340), and the grant program ($161,748).
   - In December, Governor Strickland announced additional budget reductions of 5.75% for the current fiscal year. In this round of reductions, agencies were permitted to shift the reductions across programs. After meeting with ORDC and the managers of ODOT's GRF-funded programs, Director Beasley recommended providing some one-time federal funds to replace a portion of the GRF appropriated for public transportation, and was able to hold ORDC's grant program harmless.

3. **Amtrak Study.** ORDC has entered into an agreement with Amtrak to study the implementation of state-sponsored passenger rail start-up service in the 3-C corridor. The official starting date of the contract was January 5, 2009. Please see the briefing in this meeting packet for additional information. ODOT's Office of Technical Services is providing $45,000 to fund the study.

4. **Passenger Rail Expert RFP.** ORDC has issued a Request for Proposals from individuals or firms interested in providing expert advice to ORDC in regards to passenger rail planning and implementation. Proposals are due January 16, 2009, and a firm is expected to be selected shortly thereafter. The selected firm will perform individual tasks as they are identified and defined.

5. **ORDC Staffing Updates.** We are in the process of hiring a second college intern, this one a planning student who can assist with passenger rail-related activities. Interviews are expected to occur in the very near term.

6. **Greater Ohio Ethanol.** ORDC loan recipient Greater Ohio Ethanol in Lima filed for Chapter 11 bankruptcy in October. The original loan amount was $1 million; approximately $107,000 has been repaid to date. ORDC is a secured creditor, with a first position on the

on-site rail infrastructure and a claim on the per car rebate provided by the rail carrier. The plant ceased operations in November and an attempt was made to sell it at auction in December. Due to a lack of qualified bidders, the auction did not move forward, however company representatives continue to state that there are interested buyers and are making a request this week for additional auction proceedings. ORDC legal counsel Alan Klodell is continuing to monitor the situation and provide updates to staff. Based on the information being received, it is unlikely ORDC will receive much in the way of repayment.

7. **Marne Bridge.** ORDC staff has been working for many months to address a bridge over the Panhandle Line in Licking County that is in poor condition. The bridge provides the sole source of highway access to two properties on the north side of the line. We have concluded that the bridge most likely belongs to the railroad (as opposed to being owned by the local highway authority), and believe ORDC should address the problem. We have determined that the best course of action in the long-term is to remove the bridge and are working with the Ohio Central to provide a grant for them to undertake such a project. The Ohio Central has a signed agreement with an adjoining property owner for a temporary driveway that will provide access the two properties (one of which is owned by said adjoining property owner). The temporary driveway will allow emergency and medical/support care providers to access the properties. ORDC will provide a $4,000 grant to Ohio Central to build the temporary driveway, which should be finished by the end of January.

8. **2010-2011 Budget.** ORDC has had several meetings with OBM, the Governor's Office, ODOT, and other infrastructure- and development-related state agencies. The conclusion of the series of meetings is that there is little in the way of state funds available for passenger rail, however staff continues to explore options. Staff expects to receive recommendations for the remainder of the 2010-2011 budget before the end of the month, and continue to seek additional opportunities to reduce operating costs.

9. **Housing and Urban Development Grant.** The ORDC is the recipient of a $73,500 federal grant to "rehabilitate an industrial building in Portsmouth, Ohio." The funding was secured through the efforts of Norfolk Southern and will contribute to the railroad's reopening of a car shop in Portsmouth. As the funding awardee, and upon Commission approval, ORDC will be filing an application with the US Department of Housing and Urban Development and entering into an agreement with Norfolk Southern for the project.

10. **2009 Meeting Schedule.** The final 2009 meeting schedule is attached for your information.

OHIO RAIL DEVELOPMENT COMMISSION: January 2009 Finance Report

GRF APPROPRIATION AVAILABLE FOR PROJECTS

GRF APPROPRIATION FOR PROJECTS		2,696,356
LESS: BUDGET REDUCTION		(161,748)
LESS: PROJECTS ENCUMBERED or DISBURSED		
Ashland Railway Bridge Deck Rehabilitation	50,000	
Camp Chase Rehabilitation, Phase III	100,000	
Ohio Operation Lifesaver	1,300	
Ohi-Rail Bridge Repairs, Phase II	25,000	
RJ Corman Bridge & Track Rehabilitation	163,070	
TMACOG 2008 Freight Conference	2,500	
Warren & Trumbull Railroad/Warren Steel Holdings	300,000	
WESTCO Port Authority Track Rehabilitation	200,000	
LESS: PROJECTS APPROVED BUT NOT ENCUMBERED		
Columbus & Ohio River Railroad Marne Bridge	4,000	
I&O Blue Ash Rehabilitation	251,449	
Lawrence County Port Authority	80,000	
MAW Defiance Yard & Track Rehabilitation	225,000	
LESS: PROPOSED GRF COMMITMENTS FOR FY 2009		
Case Farms	55,000	
W&LE Akron Sub Crossing Safety Improvements	175,000	
TOTAL	*1,632,319*	*-1,632,319*
BALANCE OF GRF APPROPRIATION FOR PROJECTS		***902,289***

RAIL FUND 4N40 - REVOLVING LOAN FUND	Uses of funds	Spending Authority	Cash
Cash Balance as of 1/6/09			4,858,287
LESS: OPEN ENCUMBRANCES	1,972,420		
LESS: PANHANDLE RESERVE FUND	763,700		
TOTAL	*2,736,120*		*-2,736,120*
FISCAL YEAR 2009 APPROPRIATION		2,111,500	
LESS: PAYROLL FROM LOAN AND LICENSE FEES (Budgeted)	184,336		
LESS: PROJECTS ENCUMBERED or DISBURSED			
Lancaster Port Authority/US Corrugated	145,163		
LESS: PROJECTS APPROVED BUT NOT ENCUMBERED			
WESTCO Port Authority Track Rehabilitation	400,000		
Maumee and Western Hot Starts	90,000		
LESS: PROPOSED LOAN COMMITMENTS FOR FY 2009			
TOTAL	*819,499*	*-819,499*	*-2,111,500*
APPROPRIATION BALANCE OF FUND 4N40 AVAILABLE FOR PROJECTS		***1,292,001***	
ADDITIONAL CASH BALANCE OF FUND 4N40 AVAILABLE*			***10,667***

**Funding projects beyond the appropriation balance would require Controlling Board approval.*

FY 2009 Project Balance Summary

Remaining GRF Appropriation for Projects	902,289
Remaining 4N40 Appropriation for Projects	1,292,001
Balance of ORDC Appropriations for Projects	**2,194,290**

OHIO RAIL DEVELOPMENT COMMISSION
APPROPRIATION LEDGER
For Month Ending December 31, 2008

FUND	SAC	FEDERAL STATE/OTHER	ORIGINAL APPROPRIATION	TRANSFERS / REDUCTIONS	UNASSIGNED	ADJUSTED APPROPRIATION	OPEN ENCUMBRANCES	TOTAL DISBURSED	UNENCUMBERED BALANCE	PERCENT UNOBLIGATED	SAC DEFINITION
GRF	4FA5	STATE	2,696,356.00	12,339.82	561,930.00	2,708,695.82	838,070.00	3,800.00	1,304,895.82	48.17%	GRANT (ALL)
GRF	465M	STATE	63,608.00	2,962.00	12,465.00	66,570.00	4,419.17	31,185.83	18,500.00	27.79%	PERSONAL SERVICE/OTHER
GRF	4651	STATE	726,000.00	(2,894.85)	7,884.46	723,105.15	0.00	375,220.69	340,000.00	47.02%	PAYROLL
GRF	4652	STATE	179,036.00	22,593.03	32,993.53	201,629.03	44,118.00	55,217.50	69,300.00	34.37%	OFFICE EXPENSE
GRF	4653	STATE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00%	OFFICE EQUIPMENT
	FUND TOTAL		**3,665,000.00**	**35,000.00**	**615,272.99**	**3,700,000.00**	**886,607.17**	**465,424.02**	**1,732,695.82**	**46.83%**	**FUND TOTAL - GRF**
7002	4FN7	FEDERAL	1,331,200.00	9,983,353.96	0.00	11,314,553.96	5,307,600.00	83,993.38	5,922,960.58	52.35%	GRADE CROSSING PAVEMENT
7002	4FP1	FEDERAL	668,800.00	0.00	0.00	668,800.00	0.00	326,842.97	341,957.03	51.13%	GRADE CROSSING SAFETY'S PAYROLL
7002	4FP7	FEDERAL	11,000,000.00	1,838,958.85	0.00	12,838,958.85	2,465,844.53	68,665.22	10,304,449.10	80.26%	GRADE CROSSING DEVICES
	FUND TOTAL		**13,000,000.00**	**11,822,312.81**	**0.00**	**24,822,312.81**	**7,773,444.53**	**479,501.57**	**16,569,366.71**	**66.75%**	**FUND TOTAL - 002**
3B90	8FB5	FEDERAL	10,000.00	0.00	0.00	10,000.00	0.00	0.00	10,000.00	100.00%	FEDERAL RAIL - SUBSIDY
	FUND TOTAL		**10,000.00**	**0.00**	**0.00**	**10,000.00**	**0.00**	**0.00**	**10,000.00**	**100.00%**	**FUND TOTAL - 3B9**
4N40	6FC9	OTHER	1,928,536.00	(1,372.00)	0.00	1,927,164.00	24,837.05	145,162.95	1,757,164.00	91.18%	RAIL TRAN - LOANS
4N40	6FD9	STATE	763,700.00	0.00	0.00	763,700.00	0.00	0.00	763,700.00	100.00%	PANHANDLE LEASE PAYMENT
4N40	6111	STATE	182,964.00	1,372.00	113.08	184,336.00	0.00	99,778.92	84,444.00	45.81%	PAYROLL(PROPERTY MGNT)
	FUND TOTAL		**2,875,200.00**	**0.00**	**113.08**	**2,875,200.00**	**24,837.05**	**244,941.87**	**2,605,308.00**	**90.61%**	**TOTAL - OTHER ASSISTANCE**
	GRAND TOTAL		**19,550,200.00**	**11,857,312.81**	**615,386.07**	**31,407,512.81**	**8,684,888.75**	**1,189,867.46**	**20,917,370.53**	**66.60%**	

42

ORDC - Loan Payback (Active Loans)
January 6, 2009

		Loans	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	Application, Loan, Interest & Admin. Fees	Total Payments
FY03	Portage Cty Solid Wst Mgmt. *	$80,000	$16,495	$16,495	$9,622						***$3,279***	***$83,279***
FY04	Ann Arbor Railroad **	$768,736	$121,257								*$41,846*	*$810,582*
FY04	Columbiana County Port Authority *	$2,098,047	$384,301	$268,114	$272,166	$272,166	$272,166	$136,083			***$101,451***	***$2,199,497***
FY04	W&LE (Valley Line)*	$400,000	$408,900								***$57,277***	***$457,277***
FY04	Maumee & Western *	$199,088	$29,502	$29,502	$29,502	$17,209					***$8,460***	***$207,548***
FY05	Seneca-Sandusky-Tiffin Port Auth*	$290,000	$61,217	$61,217	$10,203						***$16,267***	***$306,267***
FY05	Ashland RW (Mansfield Yard Rehab)*	$500,000	$106,935	$106,935	$8,911						***$41,285***	***$541,285***
FY05	I&O (Fulton County Processing, Ltd)*	$242,335	$52,681	$52,681	$8,780						***$24,266***	***$266,601***
FY07	Marion Industrial Center *	$273,000	$63,913	$68,569	$68,569	$68,569	$22,856				***$32,078***	***$305,078***
FY07	WESTCO *	$308,000	$44,000	$47,013	$50,026	$50,026	$50,026	$50,026	$25,013		***$35,760***	***$343,760***
FY07	Greater Ohio Ethanol *	$1,000,000	$166,565	$166,463	$166,463	$166,463	$166,463	$166,463	$83,232		***$152,135***	***$1,152,135***
FY08	WESTCO (Sugar Creek Bridge) *	$280,417	$23,368	$40,060	$41,885	$43,189	$43,189	$43,189	$43,189	$17,995	***$20,147***	***$300,565***
FY07	Village of Leipsic *	$825,000	$0	$126,923	$131,318	$135,713	$135,713	$135,713	$135,713	$67,857	***$52,702***	***$877,702***
FY09	Lancaster Port Authority *	$145,163	$20,162	$48,952	$49,743	$29,017					***$4,911***	***$150,074***
FY06	Harrison Ethanol ***	$500,000										
FY06	Wheeling & Lake Erie ***	$150,000										
FY07	Warrenton River Terminal ***	$200,000										
FY07	Wheeling & Lake Erie ***	$378,600										
FY08	MGQ, Inc. ***	$300,000										
FY08	City of Jackson ***	$300,000										
		$9,238,386	**$1,499,294**	**$1,032,923**	**$847,189**	**$782,353**	**$690,414**	**$531,474**	**$287,147**	**$85,852**	***$591,864***	***$8,001,650***

Loan Amount Received to Date: **$628,707**
Loan Balance Due: **$870,587**

*Loans Active
**Loans Paid Off
***Loans in Process

52

Revenue Received FY 2009
December 2008

Name	CT #	Invoice #	Reimburse-ments 7002/GRF	Refund 4N4(53490)	Gas & Oil Leases, Royalties and Other - 4N4 (49995)	ORDC Loan Payment - 4N4 Fees (29991)	ORDC Loan Payment - 4N4 Princ. (79955)	ORDC Loan Payment - 4N4 Inter. (79956)	Running Total
Ashland Railway		Electronic					8,523.78	387.43	602,477.68
I&O (FCP)		Electronic					4,141.88	248.19	606,867.75
MIC		Electronic					4,609.02	1,105.10	612,581.87
Maumee & Western RR		Electronic					2,307.72	150.75	615,040.34
SST Port Authority		Electronic					4,868.77	232.63	620,141.74
WESTCO #1		Electronic					3,666.67	0.00	623,808.41
WESTCO #2		Electronic					3,338.30	0.00	627,146.71
W&LE (VL)		Electronic					0.00	890.00	628,036.71
Aqua Ohio	48	RA0036			281.39				628,318.10
NCL Natural Resources	48				55.96				628,374.06
Kleese - 87	48				48.81				628,422.87
Portage County Auditor	49	RA0032					1,330.64	43.93	629,797.44
Resource Energy	50				92.07				629,889.51
AC&J Railroad Company	51	lease renewal			300.00				630,189.51
American Electric Company	52	RA0049			500.00				630,689.51
NGO Development Corp.	53				60.64				630,750.15
CSX Transportation	54	reimbursement	78.96						630,750.15
Tim Perkins *(phone calls reimbursement)*	55		21.45						630,750.15
CSX Transportation	56	reimbursement	9.83						630,750.15
Cambrian Hunter, Inc.	57				28.80				630,778.95
Range Resources Corp.	57	RA0097 (FY08)			250.00				631,028.95
Ashtabula County Auditor	57	RA0043			265.23				631,294.18
National Gas & Oil Cooperative	57	RA0048			750.00				632,044.18
Portage County (Solid Waste)	58	RA0040					1,332.31	42.26	633,418.75
		Monthly Total	110.24	0.00	2,632.90	0.00	34,119.09	3,100.29	39,852.28
		Grand Total	221.59	0.00	22,813.63	16,368.42	569,193.30	25,043.40	633,418.75

OHIO RAIL DEVELOPMENT COMMISSION

2009 Meeting Schedule

January 15 @ 10:00 am
Vern Riffe Center, 77 S. High Street, 31st floor, South A, Columbus

March 12 @ 10:00 am
Vern Riffe Center, 77 S. High Street, 31st floor – South B&C, Columbus

May 21 @ 10:00 am
Vern Riffe Center, 77 S. High Street, 31st floor, South B&C, Columbus

July 9 @ 10:00 am
Vern Riffe Center, 77 S. High Street, 31st floor, South B&C, Columbus
(location is tentative and will be confirmed at a later date)

September 10 @ 10:00 am
Vern Riffe Center, 77 S. High Street, 31st floor, South B&C, Columbus
(location is tentative and will be confirmed at a later date)

November 19 @ 10:00 am
Vern Riffe Center, 77 S. High Street, 31st floor, South B&C, Columbus
(location is tentative and will be confirmed at a later date)

This schedule is subject to change. Please visit the ORDC website at www.dot.state.oh.us/ohiorail prior to the scheduled meeting or call the Commission office (614-728-9497) to confirm the date and location.

PROJECT BRIEFING:
CSX National Gateway Project, Ohio Corridor
North Baltimore Intermodal Facility

January 7, 2009

CSX's National Gateway proposes a state-of-the art rail corridor linking the east coast's international deepwater ports and major consumption markets with the population and manufacturing centers of the Midwest. With improved double stack clearances, new terminals and greater capacity, the National Gateway will improve the flow of freight by rail, enhancing Ohio's consumer options and augmenting the Midwest's ability to deliver manufactured goods to world markets.

CSX's $700 million, multi-state, public-private initiative includes $130 million earmarked to build two terminals in Ohio. The route structure is in place on an existing CSX double track, the New Castle and Willard Subs, from Pittsburgh across north central Ohio passing through Greenwich and extending west to North Baltimore and into Indiana. One of the intermodal terminals will be located on this line in rural Wood County just outside the community of North Baltimore. (A map showing the location of North Baltimore is attached as Exhibit A.) The ground breaking for the facility is scheduled for the spring, 2009. The facility will be developed, owned and operated by a CSX affiliate company, Evansville Western Railway (EVWR). The terminal will generate 30 trains a day, in excess of 2.5 miles in length. The trains will run 24 hours per day / 7 days a week.

Over the last decade the Ohio Rail Development Commission (ORDC) and CSX have recognized the significance of the New Castle and Willard Subs. Millions of dollars of federal safety and private funds have been funneled toward warning device improvements to this double mainline. Only a small handful of passive crossings exist in the entire corridor through Ohio. CSX/EVWR has pledged to work with the ORDC and local communities to either close these crossings or add active warning devices to completely seal the corridor with flashing lights and roadway gates at all public crossings.

In regard to the North Baltimore intermodal facility, on August 25, 2006, the ORDC made a commitment to CSX to expend up to $5 million dollars toward a grade separation at one of the existing crossings on a local road near the new intermodal facility. This commitment was contingent upon the closure of at least two (2) township road crossings that fall within the footprint of the new intermodal facility.

In 2008, CSX/EVWR approached the ORDC to begin the process of establishing the grade separation project. It became immediately clear that the regulations which accompany the federal safety funds expended by the ORDC are too cumbersome to meet the aggressive time-line set forth by the economic development project of 22-24 months. In short, the timing constraints negated that possibility of ORDC Federal Safety funds being used for this portion of the project.

In an effort to honor the pledge to this important industrial development project the ORDC and CSX/EVWR investigated other elements of the comprehensive intermodal project which may be eligible for reimbursement with ORDC federal safety funds. In exchange, CSX/EVWR agreed to fund the local grade separation with private funds.

The ORDC staff worked closely with CSX/EVWR to identify alternative safety improvements. Two primary areas of eligibility were identified: improvement to warning devices and surfaces at crossings in the area of the intermodal facility; and, the installation of state-of-the-art switching technology that will allow trains to clear the crossings in close proximity to the yard, in a rapid fashion. ORDC has approached FHWA and gained concurrence that both areas are eligible for Federal funds specified for the elimination of hazards at highway - railroad grade crossings.

The ORDC evaluated the existing warning devices at the crossings on the CSX double rail line track that will serve the new intermodal facility. The table below outlines those crossings and the improvements identified for those crossings near the intermodal facility.

Local Highway Authority and Crossing Name	M.P.	DOT#	Roundel size	Gate Keepers	Year warning devices installed	Improvement	Estimated cost
Village of Hoytville SR 235 & 18, Main St	BI-56.26	142 285F	12"	No	1996	Surface DAXING* NB shunts Gate keepers	
Jackson and Henry Townships TR 43, Range Line Road	BI-55.25	142 282K	12"	No	2002	Gate Keepers LED roundels New FLS&G/GCP 4000	
Henry Township TR 44, Potter Road	BI-54.24	142 281D	12"	No	2002	Closure (CSX funded)	
Henry Township TR 45, Wingston Road	BI-53.24	145 280W	12"	No	2002	Closure (CSX funded)	
Wood County CR 46, Liberty Hi Road	BI-52.22	142 278V	12"	No	1997	DAXING* GCP 3000 Relocation of house Relocation of gate foundation Gate keepers LED roundels	$1,800,000
Henry Twp TR135, Hough Road	BI-51.71	142 277N	12"	No	2002	GCP 4000 Relocation of gate foundation Gate Keepers LED roundels	
Village of North Baltimore Mitchell St., TR 81	BI-51.20	142 275A	12"	No	1992	DAXING* Gate keepers LED roundels GCP 4000 & House New FLS&G	
Village of North Baltimore S. Second St	BI-50.76	142 272E	12"	Yes	2006	NB shunts DAXING* LED roundels	
Village of North Baltimore SR18, Main St.	BI-50.68	142 271X	12" Cant. 8" FLS	No	HXP3 – 2000 CFLS&G - 1994	Gate Keepers NB Shunts DAXING* LED Roundels	
Village of North Baltimore Tarr St.	BI-50.62	142 270R	12"	No	1998	NB Shunts LED Roundels Gate keepers	

*DAXING – "DAX" is defined as "Downstream Adjacent Crossing." DAXING is a way to "extend" the approach of a crossing past a set of insulated joints that the CWT (Constant Warning Time) frequency cannot pass using electronic bypass couplers. An additional house has to be installed at the DAXING location looking out to the end of what the approach should be, to monitor for approaching trains.

State-of-the-art switching technology will facilitate the rapid movement of trains across the eight crossings in close proximity to the new terminal. Without the use of hydra switching CSX employees would have to manually throw the switches causing significant blockage of the crossings. Specifically, the No. 20 turnouts outlined below will allow trains to travel up to 45 MPH at both ends of the terminal in comparison to the No. 15 turnouts, which is adequate for only medium speeds. By providing the largest turnout CSX utilizes, highway and pedestrian traffic at crossings impacted by the arriving and departing

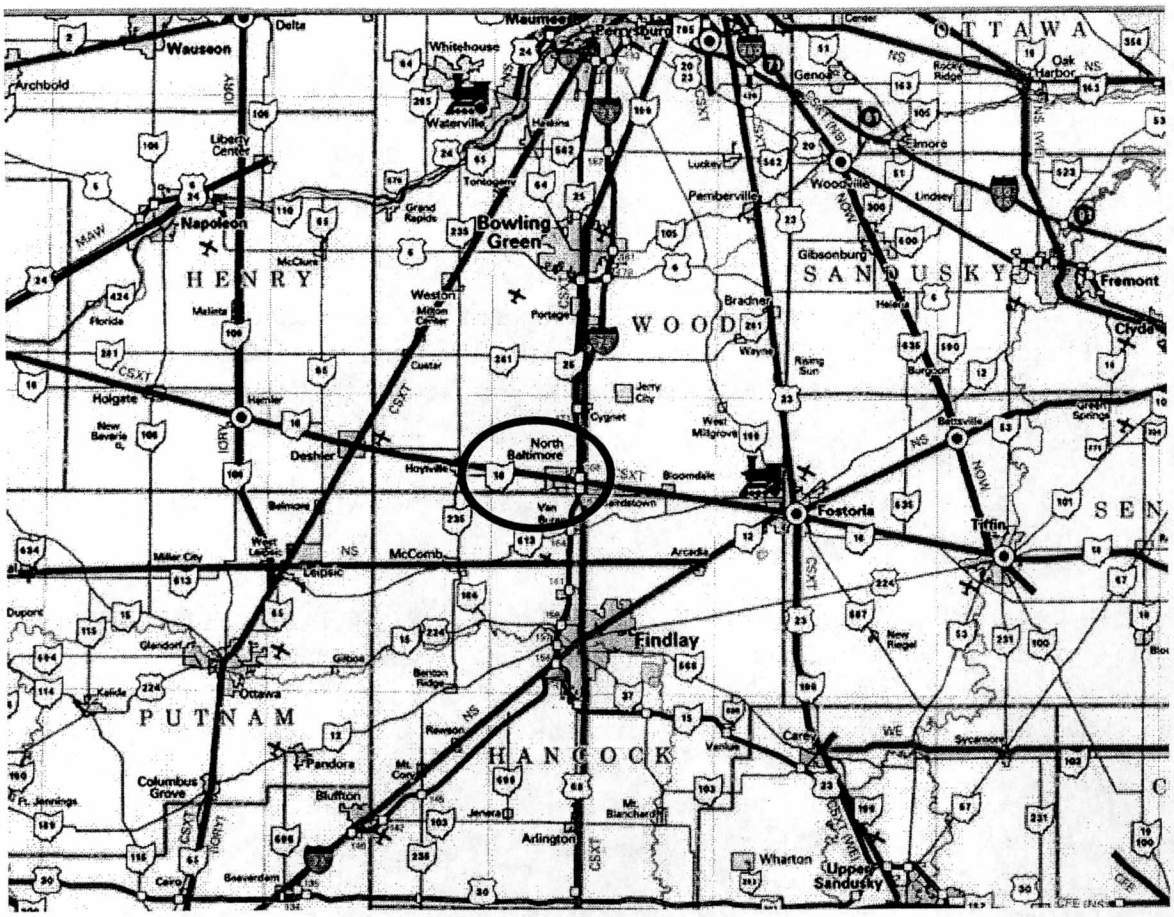
trains will have the least amount of delay, impact and potential accidents during the 24 hour day period. In addition, the siding and support tracks have been designed or sized to accommodate the same speeds. To further improve operations CSX has added the Hydra switches to all the lead track turnouts. This will ensure the entire train can continue to move under electronic signalizations with having to stop. Signal reliability and locomotive engineer confidence will be critical to achieve these signal additions.

	CSX INTERMODAL N. BALTIMORE TERMINAL COST ESTIMATE				
	ITEM DESCRIPTION	**Estimated Price /**	**UNIT**	**Estimated Quantity**	**Estimated Amount**
	Control Point Turnouts				
1	No. 20 Concrete Turnout - North Baltimore CP - Material Only	$111,000	EA	7	$ 777,000
2	No. 20 Concrete Turnout - Hoytville CP - Material Only	$111,000	EA	7	$ 777,000
3	Double Switch Point Derails - Protecting the Mainline/Siding Switch	$15,000	EA	3	$ 45,000
4	Material Shipping and Unloading Costs for Turnouts by Truck [Turnouts are shipped in pieces (3) by truck (3/ per turnout x 14 turnouts) and received and unloaded by the Contractor].	$7,500	EA	14	$ 105,000
	Hydra Switch Systems				
5	Hydra-switch - Material - Track Contractor	$39,000	EA	38	$ 1,482,000
6	No. 10 Wood Turnout - Incremental Increase for Insulated Turnout [These costs cover the insulated switch materials and insulated joints (6-8 per turnout) a non-signalized turnout would not be fit with. *Required to operate the hydraswitch system.*]	$15,000	EA	38	$ 570,000
7	Labor and Equipment to install hydra-switch - Track Contractor	$1,500	EA	38	$ 57,000
8	Labor and Equipment to install hydra-switch heater - Track and Electrical Contractor	$2,000	EA	38	$ 76,000
9	Labor and Equipment to install hydra-switch - Electrical Contractor	$2,000	EA	38	$ 76,000
10	Electrical Distribution - Labor to Install Electrical Distribution and Feeds, et al. - Electrical Contractor	$5,500	EA	38	$ 209,000
11	Electrical Distribution and Feeds - Material	$230,000	LS	1	$ 230,000
12	Material Shipping and Handling Costs - 5%	$2,282,000	%	5%	$ 114,100
	Total ORDC eligible expenses				**$4,518,100**
13	Labor to Install – CSX Expense	$1,080,000			$ 1,080,000
14	Engineering and Layout Survey – CSX Expense	$222,520			$ 222,520
15	Contingency – CSX Expense	$222,520			$ 222,520
16	Project Management – CSX Expense	$356,032			$ 356,032
	Total CSX				**$1,881,072**
	Total Project Cost ORDC and CSX Totals				**$6,399,172**

ORDC funds will first be applied to fund the improvements to the crossings. The remaining portion of the $5,000,000 will go toward the switching technology.

EXHIBIT A

North Baltimore
Location Map



RESOLUTION 09-01

RE: CSX NATIONAL GATEWAY PROJECT, OHIO CORRIDOR, NORTH BALTIMORE INTERMODAL FACILITY

A RESOLUTION DETERMINING THE APPROPRIATENESS OF ASSISTANCE PROPOSED TO BE PROVIDED TO CSX UNDER CHAPTER 4981 OF THE OHIO REVISED CODE.

WHEREAS, this Commission as the Ohio Rail Development Commission ("ORDC") created by Chapter 4981 of the Ohio Revised Code, has the responsibility of reviewing and making recommendations to ORDC staff with respect to the assistance under Chapter 4981 of the Ohio Revised Code (the "Act") proposed to be provided; and

WHEREAS, the ORDC has under consideration the provision of assistance under the Act to CSX (the "Company"); and

WHEREAS, the ORDC staff has submitted to this ORDC a Request for Assistance submitted by the Company; the determination of the Executive Director of the ORDC and the facts upon which such determination is based, that the proposed assistance will conform to the requirements of the Act and the terms of the proposed assistance; and

WHEREAS, the ORDC has reviewed such submissions and discussed them with the Executive Director and staff of the ORDC the proposed assistance; and

WHEREAS, on the basis of such review and discussions, the ORDC has determined that the provision of assistance to the Company, as set forth in the ORDC staff's submissions, is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the ORDC of the State of Ohio:

Section 1. That the ORDC determines that the assistance proposed to be provided under the Act to assist the Company with the Rail Service Project (as defined below) is appropriate.

Section 2. That the ORDC approves the proposed assistance to the Company, the nature, amount and terms of which are summarized in Exhibit "A" attached hereto.

Moved By _____
Seconded By _____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	_____	no	_____	absent	_____	abstained	____ recused
James G. Beasley	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Barbara Hammontree Bennett	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Robert Greenlese	____	yes	_____	no	_____	absent	_____	abstained	____ recused
William Murdock for Lt. Gov. Fisher	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Solomon Jackson	____	yes	_____	no	_____	absent	_____	abstained	____ recused
William Lozier	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Thomas McOwen	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Larry Sowers	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Herk Wolfe	____	yes	_____	no	_____	absent	_____	abstained	____ recused

Other action _____
Date 1/15/2009

ORDC ACTION: Motion approved _____
Motion denied _____

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/15/2009
Jolene M. Molitoris, Chairwoman Date

EXHIBIT A

A grant in an amount of up to Five Million Dollars ($5,000,000) (the "ORDC Grant") for the purpose of improving warning devices and surfaces at crossings in the area of the CSX North Baltimore Intermodal Facility; and the installation of state-of-the-art switching technology that will allow trains to quickly clear the crossings in close proximity to the intermodal yard (the "Rail Service Project") as defined herein pursuant to Section 4981.032 of the Ohio Revised Code at the Company's location in the County of Wood, Ohio.

The ORDC Assistance is subject to the following condition:

The Company must meet all standard ORDC program requirements, including any applicable prevailing wage provisions, in expending ORDC funds.

PROJECT BRIEFING:
W&LE AKRON SUB SAFETY CORRIDOR, CROSSING SURFACE AND SIGNAL PROJECT

November 6, 2008

Project Costs	
ORDC Grant	**$175,000**
W&LE Funds	**$175,000**

Project Benefits

Enhanced Safety at up to 10 Crossings
New Surfaces at 2 Crossings
Helps W&LE Increase Speeds to 40 MPH

INTRODUCTION: The Wheeling & Lake Erie Railway requests assistance with a crossing improvement project that will result in increased speeds from 25 MPH to 40 MPH along its Akron Subdivision line from just west of Medina (MP 135.4) to Akron (MP 165). Crossing improvements include two new surfaces and enhancements to existing active warning device circuitry at up to 10 crossings. W&LE seeks an ORDC share of up to $175,000 to cover 50% of costs up to the $350,000 in total project costs for this Akron Sub Safety Corridor Project. ORDC would provide up to $100,000 for crossing surface rebuilding and up to $75,000 for enhancements to active warning devices.

BACKGROUND: The Akron Subdivision is part of the former Akron, Canton, & Youngstown Railroad which connected Carey, Ohio to Akron. The map included as Exhibit "A" shows the line. As part of the W&LE mainline system, shippers on the Akron Sub have access to all of the W&LE connections to CSX, Norfolk Southern, Canadian National, as well as to a variety of short line and regional railroads including a connection in Lima to the Indiana & Ohio Railway which connects to other RailAmerica rail lines that reach the Chicago area and western Class I railroads. As a mainline, the Akron Sub has been handling between 34,061 carloads (2007) and 40,739 (2005) carloads annually. These carloads include carloads originating and terminating along the line as well as overhead traffic. Traffic includes aggregate, chemicals, lumber, wheat, pulp board, steel, and a variety of other commodities.

W&LE is committed to raising timetable speeds on this line from a 25 MPH to a 40 MPH and has already spent millions of dollars to obtain this goal. Between 2004 and 2007, W&LE, with the assistance of a Federal Railroad Administration "Railroad Rehabilitation and Improvement Financing or RRIF" loan, installed over 60,000 ties and more than 30 lineal miles of welded rail on the AC&Y line. This 2008 construction season, W&LE is finishing up the installation of over 20,000 ties on the Akron Sub portion of the AC&Y as well as surfacing, lining, drainage, and crossing improvements.

PROJECT DESCRIPTION: W&LE requests that ORDC help with the 2008 Akron Sub rehabilitation project by assisting with crossing projects. Projects for which funding was requested included totally rebuilding 5 crossing surfaces and improvements to active warning devices at 18 crossings, including the 5 where new surfaces are required. Because of budget constraints, ORDC Staff limited the total scope of the project to the 10 highest priority crossings as determined by the W&LE. Warning device improvements are needed at all the crossings with active warning devices to accommodate the higher train speeds. Operations on the AC&Y had never been over 30 MPH in recent history so that modifications to signal systems are needed to ensure that motorists at crossing have ample warning time before a train gets to the crossing. Circuits need to be lengthened to provide more lead time for activation of existing warning devices. In addition, motion sensors, speed predictors, and associated wiring improvements are required. The improvements proposed by the W&LE enhance the active warning devices already present; W&LE did not request replacement of existing devices with all new installations.

Staff of the ORDC Grade Crossing Safety Section assisted the Project Development Staff with the evaluation of the W&LE request. Staff conducted field inspections at all 18 crossings with W&LE engineering and signal

officials. ORDC Staff agreed with the W&LE assessment of the needs at all of the crossings. However, W&LE estimates for signal improvements included only the essential components for accommodating faster trains. ORDC Grade Crossing Safety Staff noted that other signal safety enhancements such as upgrading roundels with larger, LCD lights, installing "gate keepers" (a spring loaded system that provides flexibility to the control the gate arms which can reduce damage from wind or vehicles), and other enhancements, would improve safety even further.

In addition, ORDC Grade Crossing Safety Staff inspections found variances in the existing active warning devices installations from the standards in the Manual of Uniform Traffic Control Devices (MUTCD) i.e. the separation between the road surfaces and the gate masts was not sufficient at some of the crossings. These variances sometimes were the result of road projects which widened road surfaces without installing the proper curbing or moving the railroad warning device mast back further off the road. ORDC Staff informed W&LE that ORDC is precluded by FHWA from investing any of its Federal funding in projects that do not bring the crossing into compliance with MUTCD standards. Further, ORDC Staff informed W&LE that the same funding restriction would apply to crossing projects for which ORDC State funds were used. W&LE has included costs in their estimates (presented herein as Exhibit "B") for curbing or for whatever else is needed to meet the current MUTCD requirements.

In addition to looking at just improving existing active warning devices at crossing, ORDC Grade Crossing Safety Staff identified 3 crossings where all new active warning devices could be warranted instead of merely upgrading the existing devices. Staff is evaluating these 3 crossings for federal funding under the ORDC Grade Crossing Safety Program.

ORDC Staff is therefore considering TWO different programs to help the W&LE enhance safety on the Akron Sub.

- The **Grade Crossing Safety Staff** is looking at 3 crossings for possible installation of all new active warning devices using ORDC Administered **Federal Highway Administration Safety funding.** If these crossing improvements are made with FHWA funds, Staff will follow the normal Grade Crossing Safety Program procedures.

- The **ORDC Project Development Staff** is coordinating with the Grade Crossing Safety Staff to use **State General Revenue Funds** to improve 2 crossing surfaces and to make as many enhancements at the 10 crossings in Exhibit B as funding allows. State funding is more flexible than Federal funding and can be used for enhancing existing crossing circuitry. Federal funding rules require that older installations be totally replaced with new, state of the art circuitry. **Staff is currently asking Commissioners to approve only the State GRF funded portion of the Akron Sub corridor project.**

Staff recommends that ORDC Commissioners approve a grant of State GRF funds of $175,000 to the W&LE to be matched on a dollar by dollar by a like amount from the railroad. ORDC would be providing up to $100,000 for the rebuilding of 2 surfaces and would use the remainder for signal improvements. The W&LE has prioritized its needs. ORDC would use its GRF funds to fund the projects in order of W&LE priority. ORDC would not use GRF funds for signal improvements at crossings that may be improved with Federal funds until such time as the ORDC Grade Crossing Safety Section makes its determination as to whether or not to install new, state of the art installations using Federal funds at these crossings.

The Exhibit B cost estimates represent the top 10 projects on the W&LE priority list, along with the cost estimates for improvements. The cost estimates presented are for limited enhancements to the existing circuitry only, not for all new state of the art active warning device installations. Crossing surfaces estimates are for asphalt crossings with a rail seal along the rails. W&LE will administer the project or perform the project with its own forces. W&LE will be responsible for continued maintenance.

WHY ORDC FUNDING IS NEEDED: ORDC funds will ensure that the W&LE will perform more grade crossing safety improvements than it would have without ORDC assistance.

PROJECT BENEFITS

- ORDC helps W&LE raise track speeds from 25 MPH to 40 MPH improving the efficiency of W&LE operations.
- ORDC funding increases the level of investment in active warning device safety improvements at up to 10 crossings.
- ORDC funding ensures that 2 new surfaces will be installed for the benefit of the railroad and the travelling public.

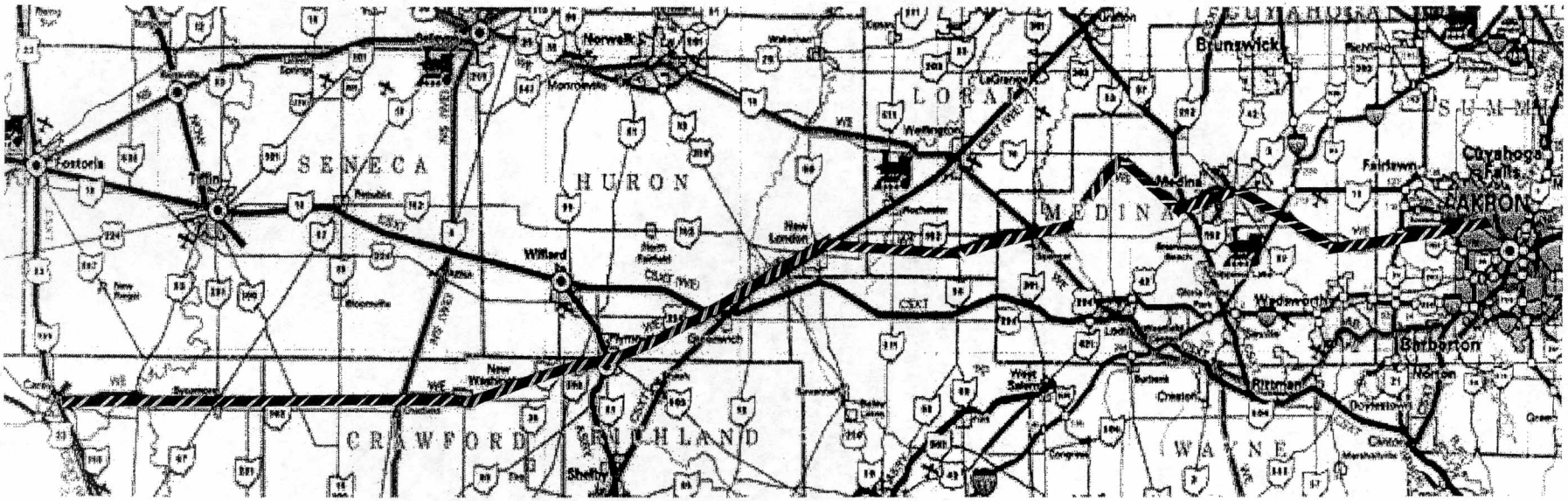
OTHER CONTRIBUTIONS: The W&LE will match ORDC investment dollar for dollar for surface and safety projects. In addition, W&LE is and has invested millions in upgrading the line for higher speeds.

SPECIAL CONTINGENCIES:

1. ORDC will provide State GRF funding for the rebuilding of 2 crossing surfaces but at least $75,000 of ORDC's total grant funding shall be used for improving active warning device circuitry and meeting the requirements of the MUTCD. If the ORDC share of the 2 crossing surface projects is under $100,000, the Executive Director of ORDC may direct additional funding toward safety enhancements of other active warning devices on the Akron Subdivision line.
2. ORDC will not contractually require W&LE to make any of ORDC's suggested improvements for any of the crossings on the Exhibit "B" priority list for which no ORDC funding is provided.

W:W&LEAkronSubCrossingsBrief

W&LE Akron Subdivision/AC&Y Line



B

SCOPE OF WORK: AKRON SUB CROSSING IMPROVEMENTS

PRIORITY	ROAD	SURFACE COSTS	SIGNAL UPGRADE COSTS	TOTAL COSTS
#1	Lance	$107,482	$2,489	$109,971
#2	White Pond	$107,482	$26,436	$133,918
#3	Jacoby		$39,778	$39,778
#4	State		$4,807	$4,807
#5	North*		$51,782	$51,782
#6	Castle		$49,142	$49,142
#7	Merriman*		$47,022	$47,022
#8	Boneta/Sharon Center*		$47,078	$47,078
#9	Schocalog		$13,263	$13,263
#10	Medina Line		$7,707	$7,707
TOTALS		**$214,964**	**$289,504**	**$504,468**

*** Xings Under Review for All New Active Warning Devices by Safety Section**

SUPPLEMENTAL BRIEFING
W&LE AKRON SUB SAFETY CORRIDOR, CROSSING SURFACE AND SIGNAL PROJECT

January 8, 2009

Prepared by: Susan Kirkland, Manager, Safety Programs

At the November ORDC Commission meeting Lou Jannazo presented a project on behalf of the Wheeling & Lake Erie Railway (W&LE) that would improve crossings along the Akron Subdivision. The project would aid the W&LE in increasing speeds from 25 MPH to 40 MPH along its corridor from just west of Medina (MP 135.4) to Akron (MP 165). The crossing improvements proposed included two new surfaces and enhancements to existing active warning device circuitry at up to 10 crossings.

This information is intended to supplement the original Project Briefing (see attached) and provide additional clarification concerning the Safety Sections position on the project and funding sources.

The ORDC Grade Crossing Safety Section has targeted this corridor for warning device improvements for the reasons outlined below.

> We have been working for several years in conjunction with the W&LE, Medina County Railroad Safety Task Force and the Public Utilities Commission of Ohio (PUCO) to improve the warning devices on the Akron Sub through Medina County. Several crossings on this corridor have received active warning devices and warning device improvements from the four entities outlined above.
>
> The ORDC is working in tandem with the City of Akron on a major highway project at a crossing in this same corridor. The crossing carries over 16,000 vehicles per day. The project will improve the surface, the warning devices and add preemption to a highway traffic signal in close proximity to the crossing. The highway portion of this project, on White Pond Road, is complete and the City is working with W&LE and ORDC to provide state of the art preemption technology along with the warning device project. This project will serve as a model for future interconnection between railroad grade crossing signals and highway traffic signals.

At the point the W&LE approached the ORDC for loan and or grant funds to make improvements on this line in order to increase train speed, the Safety Section was very much in favor of working together on the effort. The Safety Section accompanied Lou and the W&LE and looked at each crossing identified for improvement. Mike Forte' of the Safety Section compiled the table shown below to show what elements of each crossing would need modification in order to meet current specifications of the Manual on Uniform Traffic Control Devices (MUTCD).

WHEELING & LAKE ERIE RAILWAY								
AKRON SUB REVIEW								
HIGHWAY	RANK	ADT	$ EST	CIRCUIT	OFFSETS	LENS	MECH	XING
TR 96 Lance Rd	4,420	460			Good	12"	GK	Bad
Guilford Blvd	1,013	7,990	$20,100	MS	Good	12"	NA	
SR 162 Boneta Rd/Sharon Center Rd	1,845	3,015	$20,100	MS		various	NA	Bad
Beach Rd	675	1,270	$14,200	GCP		12"	GK	
State Rd	650	1,520	$2,200	HXP		12"	GK	Bad
Medina Line Rd	1,904	2,825	$6,700	HXP	5' 5" & 4' 3"	8"	NA	
SR 162 Copley Rd	3,121	7,530	$16,800	GCP	Good	12"	No GK	
Cleveland-Massillon Rd	3,233	6,465	$16,400	GCP	NW Bad~Stone	12'	GK	
Jacoby Rd	1,622	3,715	$18,700	MS		8"	NA	Bad
Schocalog Rd	2,976	1,010	$6,700	HXP		8"	NA	
White Pond Rd	2,909	7,245	$1,300	HXP	Curbs Needed	8"	NA	Bad
SR 18 Market St	1,458	20,590	$600	HXP		12"	GK	
Hawkins St	2,843	8,015	$2,300	HXP	Curbs Needed	8"	No GK	
Castle Blvd	1,475	3,125	$22,500	DC	NW 3' 3"		NA	
Portage Path Rd	3,307	4,250	$15,200	GCP	Good	12"	No GK	
Merriman Rd	956	6,310	$23,000	DC (2)	Curbs Needed	8"	NA	
North St	710	10,945	$73,100	DC	SW 2' 9"	8"	NA	
Summit St	1,962	1,480	$19,200	DC	Curbs Needed	NW 8"	NA	
Seiberling St	2,545	3,790	$2,200	HXP	Curbs Needed	8"	No GK	

GK - gate keeper, (2) - two circuits

Of importance to the Commission is the fact that we are not accepting a lesser standard using State funds as compared to Federal funds. In fact what we are doing is taking advantage of a streamlined process as opposed to a more restrictive procedure outlined in Federal regulation.

Specifically, Federal regulation calls for a diagnostic review when improvements are made to a crossing. A diagnostic review is an engineering study defined as: *"An engineering study consists of a review of site characteristics, the existing traffic control system, and highway and railroad operational characteristics."* (USDOT, FHWA, Railroad-Highway Grade Crossing Handbook, p.62). This study is conducted at the site of the highway-rail crossing or group of crossings by a team of knowledgeable representatives of the parties of interest. It is entirely possible that the review team could accept a lesser that state-of-the-art improvement. It is also entirely possible that the voting members of the team could opt for a total new warning device that is not actually warranted. To be perfectly clear, FHWA regulations do not require the installation of state-of-the-art warning devices. The Safety Section does support the use of State funds for minor improvements without diagnostic reviews.

From my perspective the improvements made to each of the crossings using ORDC funds are without a doubt valuable and from my expertise sufficient. I do believe that it is incumbent upon the ORDC to ensure Manual on Uniform Traffic Control Devices (MUTCD) standards are met with the expenditure of Federal or non-federal funds. These specifications were taken into account and included in all improvements outlined in the November Briefing.

Lastly, clarification was requested from a legal perspective as to possible liability in administering State dollars for safety projects in this way. Alan Klodell has offered the following information.

> In general the ORDC would not be liable in damages in a civil action for injury, death, or loss to persons or property allegedly caused by an act or omission in connection with a governmental function except in the circumstances set forth in R.C. 2744.02(B). Those circumstances include negligence in operating motor vehicles on public roads, negligence in keeping public roads in repair or in removing obstructions from public roads, and negligence in or on the grounds of and due to physical defects in or on the grounds of buildings used for governmental functions. R.C. 2744.02. It does not appear that any of these circumstances is likely to be involved in the instant case. Hence, it appears unlikely that ORDC would be liable for damages under R.C. 2744.02 in the circumstances with which you are concerned.
>
> Even if for some unknown reason there might be liability under R.C. 2744.02, certain defenses or immunities are granted under R.C. 2744.03 for situations involving the exercise of discretion. A political subdivision, such as ORDC, is immune if the employees' action or failure to act "was within the discretion of the employee with respect to policy-making, planning, or enforcement powers by virtue of the duties and responsibilities of the office or position of the employee." R.C. 2744.03(A)(3). Additionally, ORDC is immune from liability for injury resulting from "the exercise of judgment or discretion in determining whether to acquire, or how to use, equipment, supplies, materials, personnel, facilities, and other resources unless the judgment or discretion was exercised with malicious purpose, in bad faith, or in a wanton or reckless manner." R.C. 2744.03(A)(5).
>
> In any event one should be mindful that questions of liability are decided by the courts, in particular contexts and with consideration of specific facts and cannot be determined by means of my opinion as an Assistant Attorney General. It is thus not possible, by means of my speculative opinion of the Attorney General, to predict with certainty whether or when a court might find that the ORDC should suffer some expense or liability in connection with the role it plays in upgrading a railroad grade crossing.
>
> However, it is important to note that in each and every Subsidy Agreement, ORDC is shielded from the costs of liability and the expenses of defending itself by a section in the agreement known as the "Hold Harmless Provision" which holds ORDC harmless from and against any loss, claim, cause of action, damages, liability (including, without limitation, strict or absolute liability in tort or by statute imposed), charge, cost or expense (including, without limitation, counsel fees to the extent permitted by law), predicated on personal injury or death, or loss of or damage to property, and arising from any work performed pursuant to this Subsidy Agreement and caused by the railroad's negligent, intentional, willful or wanton actions or inactions, or such actions or omissions by any subcontractors that may be hired by the railroad under the Agreement at issue.

RESOLUTION 09-02

RE: WHEELING & LAKE ERIE RAILWAY ("W&LE") GRANT

A RESOLUTION DETERMINING THE APPROPRIATENESS OF ASSISTANCE PROPOSED TO BE PROVIDED TO THE W&LE UNDER CHAPTER 4981 OF THE OHIO REVISED CODE.

WHEREAS, this Commission as the Ohio Rail Development Commission ("ORDC") created by Chapter 4981 of the Ohio Revised Code, has the responsibility of reviewing and making recommendations to ORDC staff with respect to the assistance under Chapter 4981 of the Ohio Revised Code (the "Act") proposed to be provided; and

WHEREAS, the ORDC has under consideration the provision of assistance under the Act to the W&LE (the "Company"); and

WHEREAS, the ORDC staff has submitted to this ORDC a Request for Assistance submitted by the Company; the determination of the Executive Director of the ORDC and the facts upon which such determination is based, that the proposed assistance will conform to the requirements of the Act and the terms of the proposed assistance; and

WHEREAS, the ORDC has reviewed such submissions and discussed with the Executive Director and staff of the ORDC the proposed assistance; and

WHEREAS, on the basis of such review and discussions, the ORDC has determined that the provision of assistance to the Company, as set forth in the ORDC staff's submissions, is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the ORDC of the State of Ohio:

Section 1. That the ORDC determines that the assistance proposed to be provided under the Act to assist the Company with the Rail Service Project (as defined below) is appropriate.

Section 2. That the ORDC approves the proposed assistance to the Company, the nature, amount and terms of which are summarized in Exhibit "A" attached hereto.

Moved By _____
Seconded By _____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	____	no	____	absent	____	abstained	____ recused
James G. Beasley	____	yes	____	no	____	absent	____	abstained	____ recused
Barbara Hammontree Bennett	____	yes	____	no	____	absent	____	abstained	____ recused
Robert Greenlese	____	yes	____	no	____	absent	____	abstained	____ recused
Solomon Jackson	____	yes	____	no	____	absent	____	abstained	____ recused
William Lozier	____	yes	____	no	____	absent	____	abstained	____ recused
Thomas McOwen	____	yes	____	no	____	absent	____	abstained	____ recused
William Murdock for Lt. Gov. Fisher	____	yes	____	no	____	absent	____	abstained	____ recused
Larry Sowers	____	yes	____	no	____	absent	____	abstained	____ recused
Herk Wolfe	____	yes	____	no	____	absent	____	abstained	____ recused

ORDC ACTION: Motion approved ____ Other action ____
Motion denied ____ Date 1/15/2009

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/15/2009
Jolene M. Molitoris, Chairwoman Date

EXHIBIT A

A grant in an amount of up to One Hundred Seventy Five Thousand Dollars ($175,000) (the "ORDC Grant") to be matched on a dollar by dollar basis by the Company for the purpose of reconstructing two surfaces and the balance for signal improvements along its Akron Subdivision line from just west of Medina (MP 135.4) to Akron (MP 165) (the "Rail Service Project") as defined herein pursuant to Section 4981.032 of the Ohio Revised Code at the Company's location in Summit and Medina Counties, Ohio.

The ORDC Grant is subject to the following condition:

1. The Company must meet all standard ORDC program requirements, including any applicable prevailing wage provisions, in expending ORDC funds.

2. At least $75,000 of ORDC's grant funding shall be used for improving active warning device circuitry and meeting the requirements of the current Manual of Uniform Traffic Control Devices (MUTCD). If the ORDC share of the two crossing surface projects is less than $100,000, then the Executive Director of ORDC may direct remaining funding toward safety enhancements of other active warning devices on the Company's Akron Subdivision line.

3. ORDC will not contractually require the Company to make any of ORDC's suggested improvements for any of the crossings on the Exhibit "B" priority list for which no ORDC funding is provided.

PROJECT BRIEFING:
ADDITIONAL FUNDING FOR CASE FARMS

January 8, 2009

Project Costs		Project Benefits
* ORDC Grant, January, 08	$200,000	* 20 New Jobs at Case Feed Mill
* ORDC Grant, January, 09	$55,000	* 200 New Jobs at Case Processing Plant
* Miller Land Development	$10,000	* 350 to 1,300 Carloads Generated
* W&LE	$65,000	* 150 to 350 Acres Opened to Rail
* Hanson/National Lime	$65,000	
* ODOD	$50,000	
* Case Farms	$115,000	

INTRODUCTION: At the January, 2008 Commission Meeting, through Resolution 08-17, ORDC Commissioners approved a $200,000 grant to Case Farms to pay for the rehabilitation of 1,750 ft. of the Wheeling & Lake Erie Railway (W&LE) owned Asylum Lead Track and to build an 800 ft. spur off the Asylum Track to service a stone terminal located along that line owned by Hanson and operated by National Lime and Stone. Costs in January, 2008 were expected to be $300,000 for the work.

Actual bids for the needed work came at a time when high demand for rail work and materials had increased rail cost. Bids for the project came in at $560,000, leaving a $260,000 funding gap. For about 8 months, the parties involved worked to fill the gap. The solution agreed upon was that W&LE, National/Hanson, and Case would each provide 25% of the gap, or $65,000 each. ORDC's Executive Director agreed to partner with local entities to provide the other 25%. The Miller Land Development Corporation, the developer of the Neocom I Industrial Park in which Case is locating a new feed mill, agreed to provide $10,000 and ORDC agreed to provide $55,000 to make up the final 25% share.

The briefing materials below are generally the same materials provided to Commissioners in January, 2008. The materials have been updated where there have been changes. Copies of the January 2008 Commission briefing and approved resolution 08-17 are attached as Exhibit D.

BACKGROUND

Rail Related Industrial Development in Area: The Wheeling & Lake Erie Railway (W&LE) "Asylum Track" spur line (so named because it was used years ago to deliver supplies to an institution located on a now abandoned and torn out portion of the line) branches off the W&LE Brewster to Canton mainline. This spur has been instrumental in the economic development of the southern portion of Massillon through which it runs. The Asylum track acts as a lead track from which W&LE serves a variety of spur tracks including those to Sterilite, Polymer Packaging, Poly One, 84 Lumber, Land O' Lakes, People's Cartage, and National Lime and Stone. ORDC helped with some of this economic development by providing a $45,000 grant and $145,500 loan for the People's Cartage rail spur and a $200,000 grant for the Sterilite rail spur. The map included herein as Exhibit "A" shows the W&LE rail system in the Massillon area.

The northernmost 1,750 feet of the existing Asylum spur has been out of service for 38 years. The northern end of the line was abandoned and torn up as part of the project to build the four lane, US 30 divided highway through Massillon and Canton. This track provides the western border of the Massillon Development Foundation's (MDF) Neocom I Industrial Park. The northern edge of the park is bordered by US 30. The Neocom park currently has about 175 acres of shovel ready property for development. In addition, MDF and local developers are in the process of acquiring about 200 acres of adjacent land. The satellite photograph included as Exhibit "B" shows the Neocom Industrial Park area as well as the rail which will be needed for the Case feed mill.

Case Farms: Case Farms LLC was established in 1986 in Ohio as a poultry processing company. It has since expanded to North Carolina. In Ohio, Case contracts out with local farmers in a 12 county area to raise chickens in small chicken houses, usually about 40,000 sq. ft. each. Case provides the chicks, the feed, and a program for raising the birds. Because of its recent expansion, Case has recently increased its employment from 350 to about 500 people at its Winesburg processing plant in Holmes County. About 50 other new jobs are expected to be added in the next few years raising total employment to 550 people at Winesburg. The 200 new jobs noted in the summary of benefits at the top of this briefing reflect the growth in the Winesburg plant from 350 to 550 people. This plant had been processing 375,000 chickens a week before its expansion began. Case sells its poultry products to a variety of businesses including restaurants, processed food producers, dog food producers, and other businesses in the food industry. Winesburg has no rail service so Case currently gets all of its feed, primarily soy and corn, in via trucks.

Case has been working with W&LE officials for several years on plans to build a feed mill central to its contract chicken growers, its hatchery, and its processing plant. Case would continue to buy local grain for truck delivery but recognizes that if its processing plant is to grow, grain must be procured from non-local sources. Rail delivery is needed to keep transportation costs down. Case has selected a 20 acre site in the Neocom Industrial Park for its feed mill operations. If Case gets one half of its feed stock in via rail, it will generate 1,300 new carloads of freight. Case has been making the following investments in Ohio expansion:

$13 Million	**Expansion of Winesburg Operations**
$14 Million	**Establishing a Feed Mill in Massillon**
$425,000	**2,500 ft. On Site Rail Spurs at Feed Mill**

These investments will enable Case to increase its Winesburg chicken production to 800,000 birds a week.

PROJECT DESCRIPTION: To repair the 1,750 ft. out of service portion of the Asylum Lead track will require the total rebuilding of the track. The scope of work is as follows.

- Brush cutting up to 1,750 ft.
- Removing existing 1,750 ft. of Track.
- Clearing and Grubbing up to 1,750 ft. up to 30 feet from track centerline.
- Grading and ditching up to 1,750 ft. where track removed.
- Installing up to 1,750 ft of # 304 sub-ballast.
- Building 1,750 ft. of new track including ballast, ties, and rail as well as related work.
- Building 800 ft. long spur.

W&LE has bid out the needed work with the winning contractor bidding $560,000. Work should be finished by this Spring. W&LE has tentatively agreed to maintain the 1,750 ft. rebuilt portion of the Asylum Lead Track.

The 800 ft. long new rail spur will be needed along the Asylum Lead for car storage. Currently, some of the cars from 25 car unit trains of stone going into the Hanson/National Lime facility (which is located at the end of the in service portion of the Asylum track) are stored on the Asylum lead. This storage would block access to Case's new feed mill which would result in congestion and poor service to Case. Hanson/National will be responsible for the maintenance of the 800 ft. spur track.

Case will provide the $255,000 in ORDC grant funds toward the $560,000 total off site rail costs. The Ohio Department of Development is providing Case with a $50,000 Rapid Outreach grant which will also be used for the off site rail costs. In addition, Case will direct the money it will garner from its State Job Creation Tax Credit toward the off site rail project. Total Case investment from its own funds in the off site project will be $115,000. Remaining off site rail costs will be covered by Hanson/National Lime and Stone, $65,000, the

Miller Land Development Corporation, $10,000, and the W&LE, $65,000. In addition, W&LE will front the Hanson/National share of costs with Hanson/National repayments coming on a per car basis.

The new feed mill in Massillon and the Winesburg expansion will be operational this Spring. Both are well along the way to completion. The picture included as Exhibit "C" shows the partially built feed mill and the partially built Case spur tracks that will serve it.

WHY IS ORDC FUNDING NEEDED: ORDC funding represents the "last dollar" in the Asylum Track project and completes a partnership with Case, W&LE, Hanson/National, and Miller Land Development.

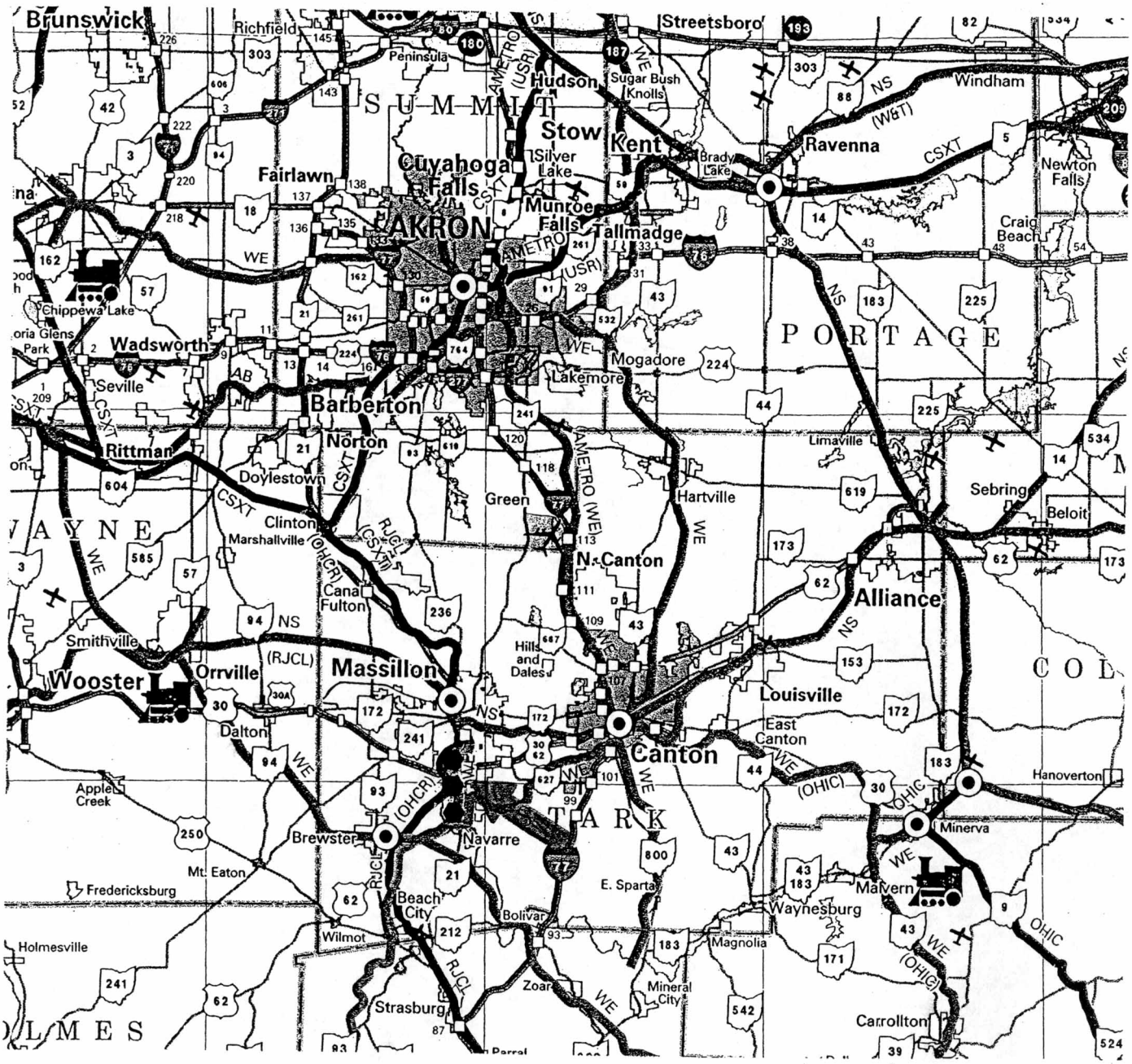
PROJECT BENEFITS:

- 20 new jobs at the feed mill.
- 200 new jobs at the Winesburg operations.
- 350 to 1,300 new carloads a year.
- 150 to 350 of shovel ready acreage opened up to future rail dependent development.
- Each rail carloads of inbound feed will keep from 3 to 6 trucks off Ohio roads.

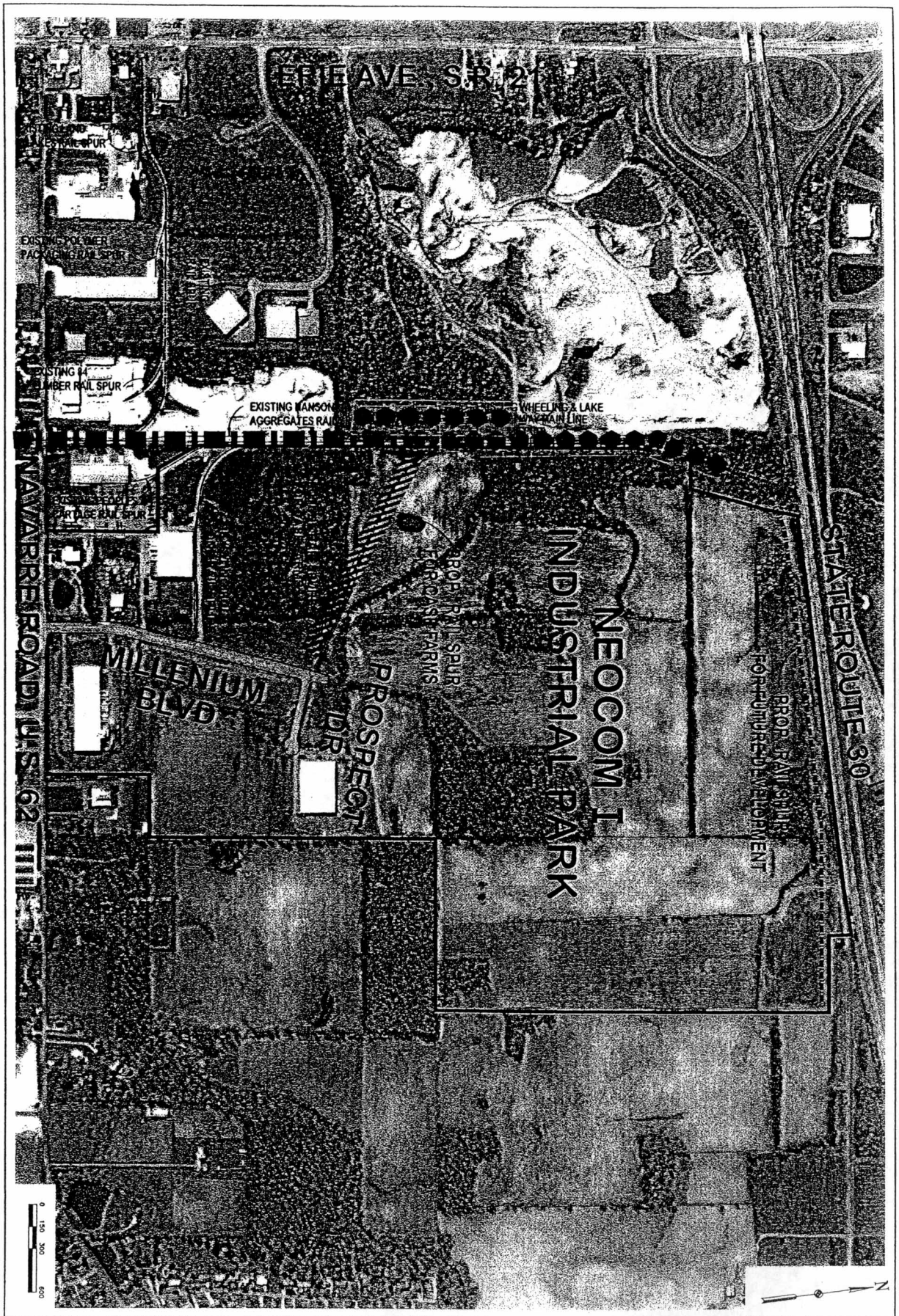
OTHER CONTRIBUTIONS: 1) W&LE is providing cost effective, very long term rates; 2) MDF has provided a $75,000 discount for land purchase; and 3) the City of Massillon is providing tax abatement for the feed mill.

SPECIAL CONTINGENCIES: Staff recommends that Commissioners approve the full $255,000 grant on the following condition: the clawback provisions in the ORDC grant agreement reflect that Case must create 200 jobs and generate 350 rail cars per year within 3 years of project completion. The job creation from January, 2008 onward will be included in the 200 job figure.

w:ProjectBriefings,FY2009,CaseAmendment



WLE
ASYLUM
SPUR



RAIL SPUR DISPLAY MAP
NEOCOM I INDUSTRIAL PARK
FOR: MASSILLON DEVELOPMENT FOUNDATION
ALL OF O.L. 569 IN THE CITY OF MASSILLON, STARK COUNTY, OHIO

SCALES: HORIZ: 1"=300'

DESN. BY: DTM CHKD. BY: BHB
DRWN. BY: DTM RVWD. BY: BHB
F.B. ____ PAGE: ____
COPYRIGHT: 2007 DATE: 10/26/07

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CASE SPURS ASYLUM - IN SERVICE NEW & REBUILD

"C"

5.1

Exhibit D

PROJECT BRIEFING:
CASE FARMS FEED MILL OFF SITE RAIL

January 8, 2008

Project Costs		Project Benefits
* ORDC Grant	$200,000	* 20 New Jobs at Case Feed Mill
* Case, Local, & RR Funds	$100,000	* 200 New Jobs at Case Processing Plant
		* 350 to 1,300 Carloads Generated
		* 150 to 350 Acres Opened to Rail

INTRODUCTION: Case Farms LLC requests a $200,000 grant to help defray the costs of rebuilding 1,750 feet of an out of service lead track and building a new 800 foot long storage track along this out of service lead. These track improvements are needed before rail service to a new Case Farms feed mill in Massillon can begin.

BACKGROUND

Rail Related Industrial Development in Area: The Wheeling & Lake Erie Railway (W&LE) "Asylum Track" spur line (so named because it was used years ago to deliver supplies to an institution located on a now abandoned and torn out portion of the line) branches off the W&LE Brewster to Canton mainline. This spur has been instrumental in the economic development of the southern portion of Massillon through which it runs. The Asylum track acts as a lead track from which W&LE serves a variety of spur tracks including those to Sterilite, Polymer Packaging, Poly One, 84 Lumber, Land O' Lakes, People's Cartage, and National Lime and Stone. ORDC helped with some of this economic development by providing a $45,000 grant and $145,500 loan for the People's Cartage rail spur and a $200,000 grant for the Sterilite rail spur. The map included herein as Exhibit "A" shows the W&LE rail system in the Massillon area.

The northernmost 1,750 feet of the Asylum spur has been out of service for 37 years. The northern end of the line was abandoned as part of the project to build the four lane US 30 divided highway through Massillon and Canton. This track provides the western border of the Massillon Development Foundation's (MDF) Neocom I Industrial Park. The northern edge of the park is bordered by US 30. The Neocom park currently has about 175 acres of shovel ready property for development. In addition, MDF and local developers are in the process of acquiring about 200 acres of adjacent land. The satellite photograph included as Exhibit "B" shows the Neocom Industrial Park area as well as the rail which will be needed for the Case feed mill.

Case Farms: Case Farms LLC was established in 1986 in Ohio as a poultry processing company. It has since expanded to North Carolina. In Ohio, Case contracts out with local farmers in a 12 county area to raise chickens in small chicken houses, usually about 40,000 sq. ft. each. Case provides the chicks, the feed, and a program for raising the birds. Case currently employs 250 people at its Winesburg processing plant in Holmes County. This plant currently processes 375,000 chickens a week. Case sells its poultry products to a variety of businesses including restaurants, processed food producers, dog food producers, and other businesses in the food industry. Winesburg has no rail service so Case currently gets all of its feed, primarily soy and corn, in via trucks.

Case has been working with W&LE officials for several years on plans to build a feed mill central to its contract chicken growers, its hatchery, and its processing plant. Case would continue to buy local grain for truck delivery but recognizes that if its processing plant is to grow, grain must be procured from non-local sources. Rail delivery is needed to keep transportation costs down. Case has selected a 20 acre site in the Neocom Industrial Park for its feed mill operations. If Case gets one half of its feed stock in via rail, it will generate 1,300 new carloads of freight. Case will be making the following investments in Ohio expansion:

$9 Million	Expansion of Winesburg Operations
$13 Million	Establishing a Feed Mill in Massillon
$425,000	2,500 ft. On Site Rail Spur at Feed Mill

These investments will enable Case to increase its Winesburg chicken production to 800,000 birds a week.

PROJECT DESCRIPTION: To repair the 1,750 ft. out of service portion of the Asylum Lead track will require the total rebuilding of the track. The scope of work is as follows.

- Brush cutting up to 1,750 ft.
- Removing existing 1,750 ft. of Track.
- Clearing and Grubbing up to 1,750 ft. up to 30 feet from track centerline.
- Grading and ditching up to 1,750 ft. where track removed.
- Installing up to 1,750 ft of 304 sub-ballast.
- Building 1,750 ft. of new track including ballast, ties, and rail as well as related work.

The W&LE estimates this work will cost approximately $225,000.

In addition, an 800 ft. long new rail spur will be needed along the Asylum lead for car storage. Currently, some of the cars from 25 car unit trains of stone going into the National Lime facility at the end of the in service portion of the Asylum track are stored on the lead. This storage would block access to Case's new feed mill which would result in congestion and poor service to Case. The W&LE estimates the 800 ft. spur will cost approximately $75,000 making total off site rail project costs approximately $300,000. The MDF is procuring a detailed engineer's estimate for the project. The track work for both the 1,750 ft. Asylum lead reconstruction and the new 800 ft. spur will be bid out. The W&LE, Case Farms, or the Massillon Development Foundation will be responsible for track maintenance.

Case will provide the $200,000 in ORDC grant funds toward the estimated $300,000 total off site rail costs. The Ohio Department of Development is providing Case with a $50,000 Rapid Outreach grant which will also be used for the off site rail costs. In addition, Case will direct the money it will garner from its State Job Creation Tax Credit toward the off site rail project. Any remaining off site rail costs will be covered by Case, National Lime and Stone, the MDF, and/or the W&LE. It has not yet been determined who will pay for the remaining costs.

The new feed mill in Massillon and the Winesburg expansion will be operational by March, 2009. Therefore, off site rail needs to be built in the 2008 construction season.

WHY IS ORDC FUNDING NEEDED: ORDC funding is needed to get the off site rail portion of the project done as an incentive for Case Farms to go forward with its planned expansion and to continue to grow in Ohio.

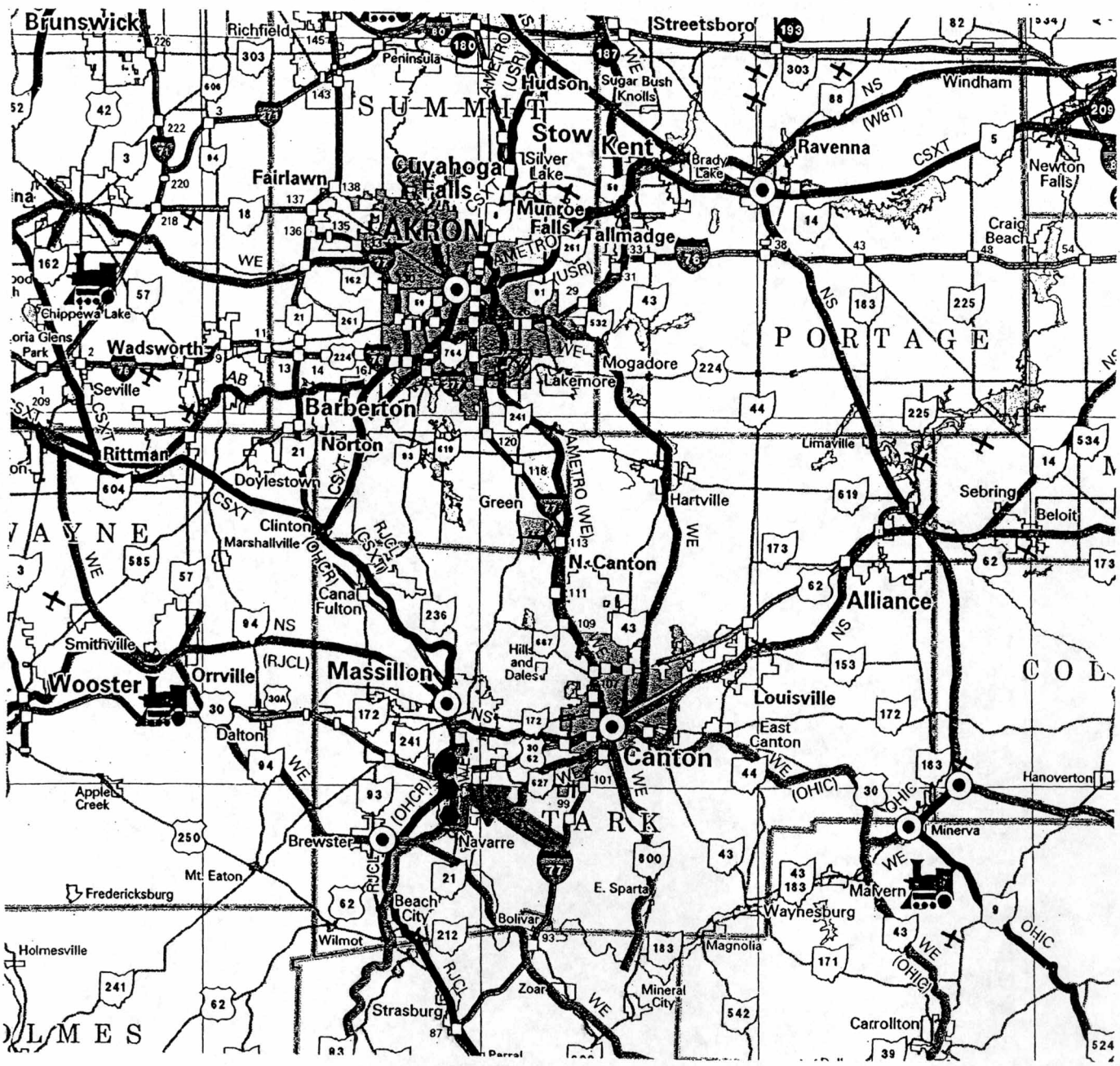
PROJECT BENEFITS:

- 20 new jobs at the feed mill.
- 200 new jobs at the Winesburg operations.
- 350 to 1,300 new carloads a year.
- 150 to 350 of shovel ready acreage opened up to future rail dependent development.
- Each rail carloads of inbound feed will keep from 3 to 6 trucks off Ohio roads.

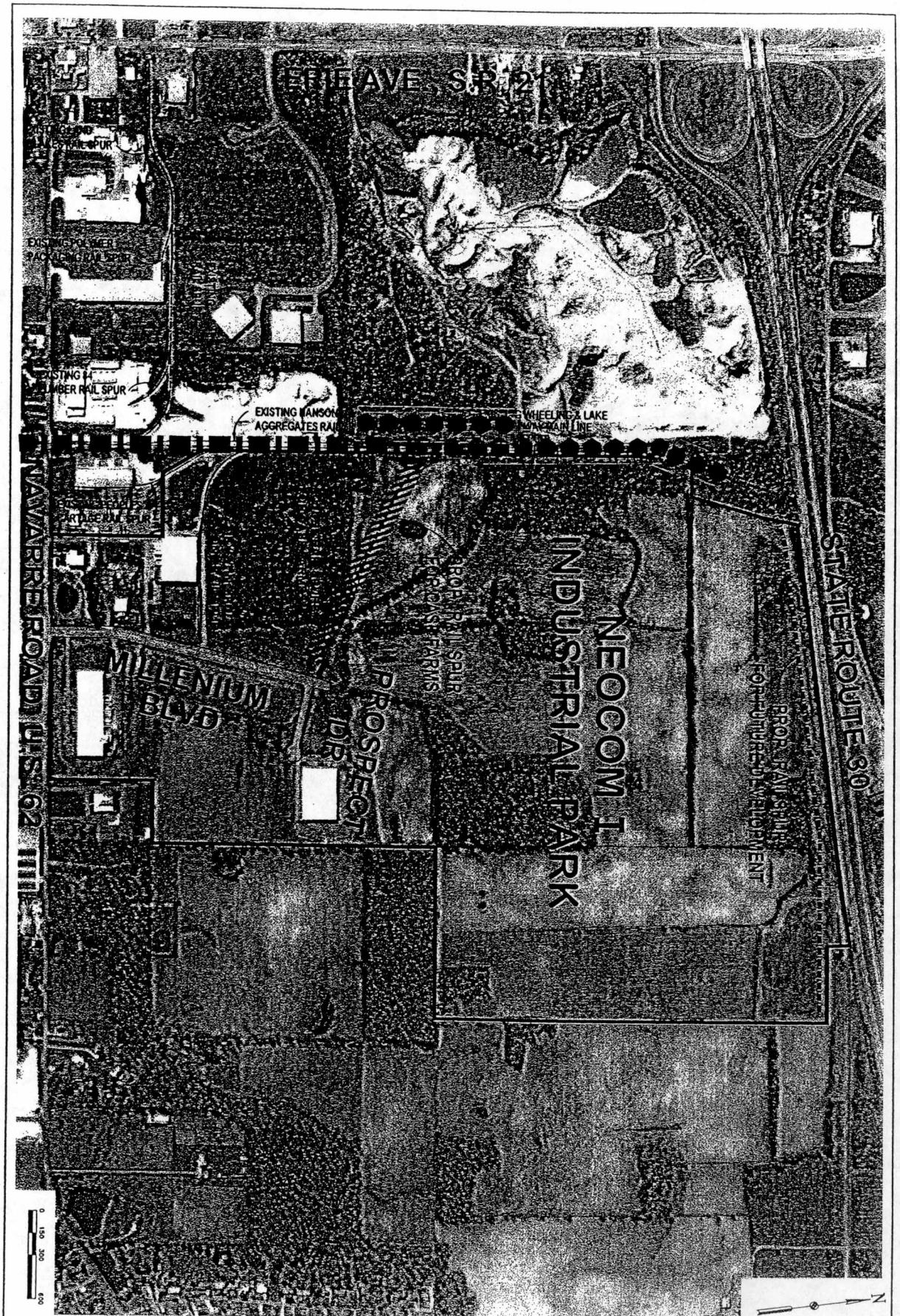
OTHER CONTRIBUTIONS: 1) W&LE will provide cost effective, very long term rates; 2) MDF will provide a $75,000 discount for land purchase; and 3) the City of Massillon is providing tax abatement for the feed mill.

SPECIAL CONTINGENCIES: Staff recommends that Commissioners approve the full $200,000 grant on the following conditions: 1) the clawback provisions in the ORDC grant agreement reflect that Case must create 200 jobs and generate 350 rail cars per year within 3 years of project completion; 2) either Case, MFD, or W&LE provide ORDC a written commitment to be responsible for all off site rail maintenance; and 3) any gap in off site rail funding is filled. Staff recommends that until and unless these three conditions are met, no ORDC funds be encumbered for the rail project. Further, if these conditions are not met before April 15, 2008, ORDC will postpone any funding for the project until FY 2009 which begins July 1, 2008.

w:2007commissionbriefings,CaseFarms



WLE
ASYLUM
SPUR



RAIL SPUR DISPLAY MAP

NEOCOM I INDUSTRIAL PARK

FOR: MASSILLON DEVELOPMENT FOUNDATION

ALL OF O.L. 569 IN THE CITY OF MASSILLON, STARK COUNTY, OHIO

SCALES: HORIZ. 1"=300'

DESN. BY: DTM CHKD. BY: BHB

DRWN. BY: DTM RVWD. BY: BHB

F.B.___ PAGE:___

COPYRIGHT 2007 DATE: 10/26/07

LAYOUT: DISPLAY MAP

REV. BY:___ DATE:___ DESC.:___

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56

CASE SPURS — ASYLUM — IN SERVICE — NEW & PERMIT

RESOLUTION 08-17

RE: CASE FARMS, LLC ON SITE RAIL IMPROVEMENT GRANT

A RESOLUTION DETERMINING THE APPROPRIATENESS OF ASSISTANCE PROPOSED TO BE PROVIDED TO CASE FARMS, LLC UNDER CHAPTER 4981 OF THE OHIO REVISED CODE.

WHEREAS, this Commission as the Ohio Rail Development Commission ("ORDC") created by Chapter 4981 of the Ohio Revised Code, has the responsibility of reviewing and making recommendations to ORDC staff with respect to the assistance under Chapter 4981 of the Ohio Revised Code (the "Act") proposed to be provided; and

WHEREAS, the ORDC has under consideration the provision of assistance under the Act to Case Farms, LLC (the "Company"); and

WHEREAS, the ORDC staff has submitted to this ORDC a Request for Assistance submitted by the Company; the determination of the Executive Director of the ORDC and the facts upon which such determination is based, that the proposed assistance will conform to the requirements of the Act and the terms of the proposed assistance; and

WHEREAS, the ORDC has reviewed such submissions and discussed them with the Executive Director and staff of the ORDC the proposed assistance; and

WHEREAS, on the basis of such review and discussions, the ORDC has determined that the provision of assistance to the Company, as set forth in the ORDC staff's submissions, is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the ORDC of the State of Ohio:

Section 1. That the ORDC determines that the assistance proposed to be provided under the Act to assist the Company with the Rail Service Project (as defined below) is appropriate.

Section 2. That the ORDC approves the proposed assistance to the Company, the nature, amount and terms of which are summarized in Exhibit "A" attached hereto.

Moved By Gibson
Seconded By McOwen

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	V	yes	___	no	___	absent	___	abstained	___	recused
~~Howard Wood~~ for James G. Beasley	V	yes	___	no	___	absent	___	abstained	___	recused
Barbara Hammontree Bennett	.	yes	___	no	___	absent	___	abstained	V	recused
Kimberly Gibson for Lt Gov Fisher	V	yes	___	no	___	absent	___	abstained	___	recused
Solomon Jackson	V	yes	___	no	___	absent	___	abstained	___	recused
Thomas McOwen	V	yes	___	no	___	absent	___	abstained	___	recused
Larry Sowers	___	yes	___	no	V	absent	___	abstained	___	recused
Herk Wolfe	___	yes	___	no	V	absent	___	abstained	___	recused
Daniel Roberts	V	yes	___	no	___	absent	___	abstained	___	recused
James Hartung	___	yes	___	no	V	absent	___	abstained	___	recused

Commissioner Sowers abstained / arrived after vote

ORDC ACTION: Motion approved ✓ Other action _____
Motion denied _____ Date 1/16/2008

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

Jolene M. Molitoris, Chairwoman 1/16/2008
Date

RESOLUTION 09-03

RE: CASE FARMS, LLC ON SITE RAIL IMPROVEMENT GRANT (Amendment to Resolution 08-17)

A RESOLUTION MODIFYING THE TERMS OF ASSISTANCE TO CASE FARMS, LLC UNDER CHAPTER 4981 OF THE OHIO REVISED CODE.

WHEREAS, this Commission as the Ohio Rail Development Commission ("ORDC") created by Chapter 4981 of the Ohio Revised Code, has the responsibility of reviewing and making recommendations to ORDC staff with respect to the assistance under Chapter 4981 of the Ohio Revised Code (the "Act") proposed to be provided; and

WHEREAS, the ORDC has under consideration the modification of the provision of assistance under the Act to the Case Farms, LLC (the "Company"); and

WHEREAS, the ORDC staff has submitted to this ORDC a modification to a prior request for assistance submitted by the Company; the determination of the Executive Director of the ORDC and the facts upon which such determination is based, that the modification to the proposed assistance will conform to the requirements of the Act and the terms of the modification of the proposed assistance; and

WHEREAS, the ORDC has reviewed such proposed modifications and discussed them with the Executive Director and staff of the ORDC; and

WHEREAS, on the basis of such review and discussions, the ORDC has determined that the provision of assistance to the Company, as set forth in the ORDC staff's submissions, is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the ORDC of the State of Ohio:

Section 1. That the ORDC determines that the modification to the assistance proposed to be provided under the Act to assist the Company with the Rail Service Project (as defined below) is appropriate.

Section 2. That the ORDC approves the proposed modification of assistance to the Company, the nature, amount and terms of which are summarized in Exhibit "A" attached hereto.

Section 3. That the ORDC hereby amends Resolution 08-17 as set forth in Exhibit A.

Moved By _____
Seconded By _____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	____	no	____	absent	____	abstained	____ recused
James G. Beasley	____	yes	____	no	____	absent	____	abstained	____ recused
Barbara Hammontree Bennett	____	yes	____	no	____	absent	____	abstained	____ recused
Robert Greenlese	____	yes	____	no	____	absent	____	abstained	____ recused
William Murdock for Lt. Gov. Fisher	____	yes	____	no	____	absent	____	abstained	____ recused
Solomon Jackson	____	yes	____	no	____	absent	____	abstained	____ recused
William Lozier	____	yes	____	no	____	absent	____	abstained	____ recused
Thomas McOwen	____	yes	____	no	____	absent	____	abstained	____ recused
Larry Sowers	____	yes	____	no	____	absent	____	abstained	____ recused
Herk Wolfe	____	yes	____	no	____	absent	____	abstained	____ recused

ORDC ACTION: Motion approved _____ Other action _____
Motion denied _____ Date 1/15/2009

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/15/2009
Jolene M. Molitoris, Chairwoman Date

EXHIBIT A

The modifications to the Request for Assistance are as follows:

1. The amount of the ORDC Grant shall be increased from $200,000 by $55,000 to $255,000.

2. Condition #3 of Resolution 08-17 shall be deleted in its entirety.

3. All other terms, covenants and conditions specified in Resolution 08-17 shall remain in full force and effect.

PROJECT BRIEFING:
COMMISSIONER APPROVAL OF STAFF ADMINISTRATION OF THE STATE OF OHIO DIESEL EMISSION REDUCTION GRANT PROGRAM

January 8, 2009

Project Costs		Project Benefits
FHWA CMAQ Funds	**$4,907,356**	**Ohio RRs Save Fuel Costs**
Ohio RR Funds	**$1,226,840**	**Ohio RRs Acquire New Equipment**
		Emissions Reduced in Non-Attainment Areas

INTRODUCTION: ORDC Staff requests formal approval of ORDC Commissioners to administer the State of Ohio's Diesel Emission Reduction Grant (DERG) Program for all projects which involve Ohio railroads. Staff time is required but no expenditures of ORDC funds beyond Staff salaries is involved.

BACKGROUND: In 2007, the Ohio General Assembly mandated that $20 million in Federal Highway Administration (FHWA) funds in the Congestion Mitigation and Air Quality (CMAQ) program be expended by State of Ohio agencies on projects which purchase equipment and devices that would reduce diesel emissions. As a result, the Ohio Department of Development (ODOD), in conjunction with the Ohio Environmental Protection Agency (OEPA) and Ohio Department of Transportation (ODOT), developed the State of Ohio DERG Program. Here is how the DERG Program is working:

- ODOD & OEPA developed project selection criteria which maximized the reduction of diesel emissions in areas where air quality is in a non-attainment status and in areas called "hot spots" which have the worst air pollution in the State.
- ODOD and the ODOT established a Memorandum of Understanding detailing how the ODOT and ODOD would work together to distribute FHWA funds. (All FHWA CMAQ funds are administered by ODOT.)
- ODOD established a two phase DERG Program with Phase I having up to $9.8 million in grant funds and Phase II having up to 11.2 million in grant funds. ODOD solicited projects for Phase I in January, 2008 and awarded project grants in July, 2008.
- ODOT is not empowered to provide CMAQ funds to private entities. Therefore, any private entity that applied for Phase I DERG funding needed to enter into a Public - Private Partnership (PPP) Agreement with a public body. For all railroads applying for Phase I DERG funding, ORDC agreed to be the public partner and enterer into formal PPP Agreements with the applicant railroads.
- As the formal public partner of the Ohio railroads receiving DERG funding, ORDC has developed grant agreements through which ORDC will reimburse selected railroads for DERG projects. ORDC will provide the railroads FHWA CMAQ funds passed through ODOT to the selected railroads.
- ODOD began its project solicitation process for Phase II of the DERG Program on December 18, 2008. ORDC has again agreed to be the public partner for the requisite PPP Agreements for the Phase II program.

In the Phase I program, ODOD selected Ohio railroad projects for $4,907,356 of the total of $8,856,774 awarded, or 55% of the total funds granted. The rest was awarded to various public agencies which are using the funds to purchase or repower school and transit busses. ODOT is administering the DERG funds for these public agencies.

Below is a summary of the DERG funds provided to Ohio railroads:

DERG FUNDS AWARDED TO OHIO RAILROADS, PHASE I

Railroad	Project	DERG (80%)	RR (20%)
W&LE	Purchase of Auto Start/Stop for 16 Locomotives	$140,643	$35,161
Cleve. Works	Purchase of Hot Starts for 28 Locomotives	$427,523	$106,881
I&ORY	Purchase of 24 Auxiliary Power Units for 24 Locomotives	$813,216	$203,304
I&ORY	Purchase of 2 Ultra Low Emission Locomotives	$2,247,200*	$561,800*
RJ Corman	Purchase of 1 Ultra Low Emission Locomotive	$1,278,774*	$319,694*
Totals		**$4,907,356**	**$1,226,840**

The asterisks were included next to the I&ORY and RJ Corman locomotive grants awards because the DERG funding for these projects will not be the full 80% of locomotive costs. Subsequent to the submission of applications for DERG funding in the Phase I process, the FHWA Ohio office issued a ruling that CMAQ funds cannot be used to pay for entire locomotives owned by private entities. The FHWA ruled that because CMAQ funds could only be used for public purposes and public benefits, only those portions of the privately owned locomotive directly related to the reduction of diesel emissions could be paid for with CMAQ funds. Therefore, CMAQ funds can only be used for the actual engine components and engine controls, and not for items such as the rail wheels and trucks. ORDC requested that FHWA revisit this ruling. FHWA did reconsider the matter but came to the same conclusion.

ORDC is now working with FHWA to determine just what components of new, privately owned locomotives are eligible for with 80% CMAQ funding. ORDC has a proposed list of such components for FHWA's consideration. If the ORDC proposal is accepted, DERG funds would pay for about 65% of the total cost of a privately owned locomotive instead of 80%. It is not clear that FHWA will accept this ORDC proposal.

The Phase II DERG Program has earmarked $5 million for transit projects leaving railroads eligible to apply for up to $6.2 million in railroad projects. Applications are due March 2, 2009.

PROJECT DESCRIPTION/STAFF REQUEST FOR COMMISSIONER APPROVAL: ORDC Staff requests that ORDC Commissioners formally empower ORDC Staff to take whatever actions are necessary to administer DERG Program funds including but not limited to entering into Public-Private Partnership Agreements as required by DERG Program regulations, developing and administering grant agreements by which ORDC passes CMAQ funds on to Ohio railroad for selected DERG projects, and monitoring and enforcing provisions of the these ORDC grant agreements for the duration of the agreements.

PROJECT BENEFITS

- Ohio railroads will be able to apply for DERG Program grant funds.
- Ohio DERG Program grant funds will be used by railroads to save hundreds of thousands of dollars in fuel costs by reducing fuel usage.
- Ohio DERG Program grant funds will be used to prevent thousands of tons of PM (particulate matter) and NOx (nitrogen oxide) pollution.

RESOLUTION 09-04
RE: COMMISSIONER APPROVAL OF STAFF ADMINISTRATION OF STATE OF OHIO DIESEL EMISSION REDUCTION GRANT AWARDS

A RESOLUTION TO APPROVE STAFF ADMINISTRATION OF STATE OF OHIO DIESEL EMISSION REDUCTION GRANT AWARDS UNDER CHAPTER 4981 OF THE OHIO REVISED CODE.

WHEREAS, this Commission as the Ohio Rail Development Commission ("ORDC") created by Chapter 4981 of the Ohio Revised Code, has the responsibility of reviewing and making recommendations to ORDC staff with respect to the assistance under Chapter 4981 of the Ohio Revised Code (the "Act") proposed to be provided; and

WHEREAS, Section 4981.03(E) requires that the ORDC cooperate with Ohio Department of Development ("ODOD") by exercising the ORDC's duty to promote and develop rail service in this state in conjunction with ODOD's exercise of its duty to promote the economic development of this state; and

WHEREAS, ORDC and ODOD wish to formalize a partnership to address the administration of Federal Highway Administration Congestion Mitigation and Air Quality funds ("CMAQ") to be used in the Ohio Diesel Emissions Reduction grant program ("DERG") as directed by Section 512.35 of H.B. 562 of the 127th General Assembly; and

WHEREAS, the ORDC is authorized by ORC 4981.031 to apply for and receive from the United States government loans and grants (subject to the approval of the Governor, as specified in ORC 4981.14(10)) in accordance with any federal law or program concerning rail transportation; and

WHEREAS, the ORDC is charged by ORC 4981.03(A)(1) with developing, promoting and supporting safe, adequate and efficient rail service throughout the state; and

WHEREAS, ORC 4981.14(B)(19) gives the ORDC the authority to do all acts necessary and proper to carry out the powers expressly granted to the ORDC; and

NOW, THEREFORE, BE IT RESOLVED, that the ORDC hereby authorizes the ORDC staff to take whatever actions are necessary to administer DERG Program funds including, but not limited to, entering into public-private partnership agreements as required by DERG Program regulations, developing and administering grant agreements by which ORDC passes CMAQ funds on to Ohio railroads for selected DERG projects, and monitoring and enforcing provisions of the ORDC grant agreements for the duration of the agreements.

Moved By _____

Seconded By _____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	____	no	____	absent	____	abstained	____ recused
James G. Beasley	____	yes	____	no	____	absent	____	abstained	____ recused
Barbara Hammontree Bennett	____	yes	____	no	____	absent	____	abstained	____ recused
Robert Greenlese	____	yes	____	no	____	absent	____	abstained	____ recused
William Murdock for Lt. Gov. Fisher	____	yes	____	no	____	absent	____	abstained	____ recused
Solomon Jackson	____	yes	____	no	____	absent	____	abstained	____ recused
William Lozier	____	yes	____	no	____	absent	____	abstained	____ recused
Thomas McOwen	____	yes	____	no	____	absent	____	abstained	____ recused
Larry Sowers	____	yes	____	no	____	absent	____	abstained	____ recused
Herk Wolfe	____	yes	____	no	____	absent	____	abstained	____ recused

ORDC ACTION: Motion approved _____ Other action _____
Motion denied _____ Date 1/15/2009

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/15/2009
Jolene M. Molitoris, Chairwoman Date

PROJECT BRIEFING
COMMISSION APPROVAL OF STAFF ADMINISTRATION OF U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT GRANT AWARD
NORFOLK SOUTHERN/PORTSMOUTH CAR SHOP PROJECT

January 6, 2009

Project Funding

- ODOD (Rapid Outreach) $100,000
- HUD Grant (through ORDC) $73,500
- Norfolk Southern $3.2 million

INTRODUCTION

Norfolk Southern has requested that the Ohio Rail Development Commission (ORDC) be the public sponsor and grant recipient of a U.S. Department of Housing and Urban Development grant for the rehabilitation of an industrial building in Portsmouth, Ohio. The building is part of the Portsmouth Car Shop, which Norfolk Southern is renovating and reopening for rail car repair.

BACKGROUND

Norfolk Southern is undertaking a project to reopen and modify an existing 107,000 square foot facility on 40 acres in Portsmouth, Ohio. The project is located at an existing car shop facility in Portsmouth, Ohio, and includes building renovation, track infrastructure rehabilitation, and equipment acquisition. The total project investment is $3.37 million, of which $1.97 million is machinery and equipment, $800,000 in facility improvements, and $600,000 in on-site infrastructure.

The HUD grant was awarded in the Consolidated Appropriations Act for 2008 in the amount of $75,000, however because of a reduction factor mandated by the Act, the actual amount of funds available is $73,500.

Portsmouth is the county seat of Scioto County and is located in southern Ohio along the Ohio River. Scioto County's economic status is designated as at-risk of becoming economically distressed, based on the three-year average unemployment rate, per capita market income, and poverty rate. As of November 2008, Scioto County's unemployment rate was 8.9%, above the statewide average of 7.0% and the national average of 6.7%.

WHY ORDC PARTICIPATION IS NEEDED

Congress directed HUD to provide $75,000 in federal funds to conduct the rehabilitation work, and named ORDC as the receiving agency because of ORDC's status as the state's rail development entity. ORDC has been asked to be the public sponsor and grant recipient of the funds. As public sponsor, ORDC will be responsible for ensuring proper expenditure of the federal funds on the project. ORDC will enter into agreements with Norfolk Southern and HUD to delineate the responsibilities of each of the parties in regard to project construction and federal funding requirements.

PROJECT BENEFITS

As a result of this project, Norfolk Southern will rehire 9 furloughed workers, create 77 new jobs, and overhaul 1,200 rail cars per year. The new jobs will have a starting pay rate of $16/hour, plus average hourly benefits of $12.74. Norfolk Southern will also retain 247 existing full-time jobs.

SPECIAL CONTINGENCIES

ORDC's contribution to the project will be limited to the HUD grant and ORDC will not expend any additional funds on the project. Any project overages, local match requirements or continuing maintenance expenses above the HUD grant will be the responsibility of the railroad.

STAFF RECOMMENDATION

Staff recommends that the Commission serve as the public sponsor and grant recipient of the HUD funds for this project, and authorize the Executive Director to sign any and all applications and agreements necessary to fulfill the requirements of the grant.

RESOLUTION 09-05

RE: U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT GRANT SPONSORSHIP – NORFOLK SOUTHERN/PORTSMOUTH CAR SHOP PROJECT PUBLIC SPONSORSHIP

A RESOLUTION TO SPONSOR AND BE THE RECIPIENT OF AN AWARD FROM THE U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT FOR A FEDERAL GRANT TO REHABILITATE A NORFOLK SOUTHERN FACILITY UNDER CHAPTER 4981 OF THE OHIO REVISED CODE.

WHEREAS, this Commission as the Ohio Rail Development Commission ("ORDC") created by Chapter 4981 of the Ohio Revised Code, has the responsibility of reviewing and making recommendations to ORDC staff with respect to the assistance under Chapter 4981 of the Ohio Revised Code (the "Act") proposed to be provided; and

WHEREAS, the ORDC has under consideration: (i)the sponsorship of Norfolk Southern's ("NS") application to the U.S. Department of Housing and Urban Development for a $75,000 grant to undertake rehabilitation of an industrial building in Portsmouth, Ohio which Norfolk Southern is reopening for rail car repair and (ii) to serve as the recipient of the grant; and

WHEREAS, the ORDC is authorized by ORC 4981.031 to apply for and receive from the United States government loans and grants (subject to the approval of the Governor, as specified in ORC 4981.14(10)) in accordance with any federal law or program concerning rail transportation ;and

WHEREAS, the ORDC is charged by ORC 4981.03(A)(1) with developing, promoting and supporting safe, adequate and efficient rail service throughout the state; and

WHEREAS, ORC 4981.14 gives the ORDC the authority to do all acts necessary and proper to carry out the powers expressly granted to the Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the ORDC hereby authorizes the ORDC to serve as the public sponsor and recipient of the above-described grant.

Moved By _____
Seconded By _____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	____	no	____	absent	____	abstained	____ recused
James G. Beasley	____	yes	____	no	____	absent	____	abstained	____ recused
Barbara Hammontree Bennett	____	yes	____	no	____	absent	____	abstained	____ recused
Robert Greenlese	____	yes	____	no	____	absent	____	abstained	____ recused
William Murdock for Lt. Gov. Fisher	____	yes	____	no	____	absent	____	abstained	____ recused
Solomon Jackson	____	yes	____	no	____	absent	____	abstained	____ recused
William Lozier	____	yes	____	no	____	absent	____	abstained	____ recused
Thomas McOwen	____	yes	____	no	____	absent	____	abstained	____ recused
Larry Sowers	____	yes	____	no	____	absent	____	abstained	____ recused
Herk Wolfe	____	yes	____	no	____	absent	____	abstained	____ recused

ORDC ACTION: Motion approved _____ Other action _____
Motion denied _____ Date 1/15/2009

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/15/2009
Jolene M. Molitoris, Chairwoman Date

APPROVED PROJECT BRIEFING:
AMTRAK 3C CORRIDOR STUDY

December 22, 2008

Study Funding	
* ODOT Funds	$45,000

INTRODUCTION:

The Chairwoman and the Executive Director approved a contract with the National Railroad Passenger Corporation, Amtrak, to study the initiation of passenger rail service in the Cleveland-Columbus-Dayton-Cincinnati ("3C") corridor.

BACKGROUND:

On February 26, 2008, Governor Strickland asked then-Amtrak President Alexander Kummant to study the potential implementation of new intercity service in the Cleveland-Columbus corridor and a separate estimate to extend the Cleveland-Columbus corridor to include Dayton and Cincinnati. The Governor's letter indicated that investment in a passenger rail transportation system linking metropolitan areas, while improving freight commerce, would represent a tool to help urban areas create jobs and attract investments. Amtrak responded favorably and ORDC staff began working with Amtrak to outline the parameters of the study, including the number of trips, anticipated equipment, and potential routes. ORDC staff have conducted an analysis of the alternative routes in the corridor and recommended several for consideration by Amtrak. ORDC staff are also working with the major metropolitan areas that would be connected by the proposed service to identify potential station locations.

PROJECT DESCRIPTION:

Amtrak will conduct a study of the initiation of state-sponsored passenger rail service in the 3C corridor. The study process will include reviewing prior studies, collecting demographic information, reviewing the potential routes in the field, coordinating with freight railroads to identify operational and infrastructure issues, assisting with capacity analysis (if required by the freight railroads), and obtaining ridership and revenue projections.

The final report will include an assessment of the existing route infrastructure, results of the capacity analysis, identification of a specific capital program along with the estimated capital costs for each potential route, potential train schedules, ridership and revenue forecasts, estimated annual operating costs, estimated annual operating support needed, expected crew requirements, expected equipment requirements and cost estimates, and required equipment maintenance and support facilities.

The draft report is due to be delivered to ORDC on June 30, 2009, with the final report expected by August 31, 2009.

Ohio Rail Development Commission

50 West Broad Street, Suite 1510, Columbus, Ohio 43215
614-644-0306 (telephone) • 614-728-4520 (fax) • www.dot.state.oh.us/ohiorail

December 22, 2008

Pursuant to Ohio Rail Development Commission Resolution 99-15 "Spending and Signatory Guidelines," the undersigned hereby approves of the project described in the Approved Project Briefing entitled **AMTRAK 3C CORRIDOR STUDY** and dated December 22, 2008 as described in that briefing.

Matthew R. Dietrich
Executive Director

Jolene M. Molitoris
Chairwoman

RESOLUTION 09-06

RE: EVALUATION OF ABANDONED RAILROAD RIGHTS-OF-WAY

A RESOLUTION URGING THE CREATION OF STATE OF OHIO PROGRAMS TO EVALUATE AND ACQUIRE ABANDONED RAILROAD RIGHTS- OF-WAY FOR USE FOR FUTURE INTERCITY, COMMUTER, AND LOCAL RAIL PASSENGER SERVICES

WHEREAS, thousands of miles of railroad rights-of-way have been abandoned in Ohio since the 1960's; and

WHEREAS, the State of Ohio has not maintained a comprehensive data base as to the ownership and disposition of these rights-of-way; and

WHEREAS, the State of Ohio has never funded any programs to evaluate the potential future use of these abandoned rail corridors for rail passenger services, or to acquire them for future passenger rail uses; and

WHEREAS, such a data base would be useful to State and local government agencies in planning new intercity, commuter, and local passenger rail services; and

WHEREAS, many of the existing, active rail lines in Ohio are at, or near, full capacity with the freight traffic generated by Ohio businesses as well as traffic generated by the private railroads which own, operate, and maintain the active rail lines; and

WHEREAS, capacity constraints on freight railroads' tracks hinder both the railroads' ability to increase the amount of freight traffic and efforts to develop new passenger services on the tracks of freight railroads; and

WHEREAS, increasing the capacity of Ohio's freight railroad system is vital to the prosperity of the commerce and industry of the State; and

WHEREAS, higher speed 110 MPH passenger operations, and truly high speed 150 MPH rail passenger services, are not compatible with freight operations and should optimally have their own rights-of-way;

NOW, THEREFORE, the Ohio Rail Development Commission ("ORDC") hereby resolves as follows:

1) The legislature of the State of Ohio should provide funding for the purpose of developing a comprehensive data base which would be available via the internet to the public that includes but is not limited to the location of every railroad right-of-way abandoned by freight railroads from 1960 to the present, a description of the ownership of the corridors according to records maintained by county offices, and other information relevant to using the corridor for future rail passenger purposes, or other purposes.
2) The legislature of the State of Ohio should provide funding for the purpose of the State of Ohio partnering with: a) other states; b) various local governments; and c) private entities with an interest in developing corridors for rail passenger, or other transportation uses including freight rail and recreational trails, for the purpose of conducting negotiations, title searches, appraisals, and, if necessary appropriation procedures, to begin acquiring the rights-of-way which would best promote the development of passenger rail in the State of Ohio, or other public purposes. The ORDC would then determine which abandoned rail corridors best promote the development of passenger rail by comparing the location of the corridors to existing state and local plans for new passenger rail services and assessing the likelihood that the passenger plans will come to fruition.

3) The legislature of the State of Ohio should provide the funding authority and appropriations described above to the ORDC to be used in coordination and cooperation with the Ohio Department of Transportation ("ODOT"). Use of the funds would be determined by the mutual agreement of the Directors of ORDC and ODOT.

4) ODOT and ORDC would be responsible for reporting the progress of data base development and right-of-way acquisition to the General Assembly on an annual basis.

Moved By _____
Seconded By_____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	_____	no	_____	absent	_____	abstained	____ recused
James G. Beasley	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Barbara Hammontree Bennett	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Robert Greenlese	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Solomon Jackson	____	yes	_____	no	_____	absent	_____	abstained	____ recused
William Lozier	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Thomas McOwen	____	yes	_____	no	_____	absent	_____	abstained	____ recused
William Murdock for Lt. Gov. Fisher	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Larry Sowers	____	yes	_____	no	_____	absent	_____	abstained	____ recused
Herk Wolfe	____	yes	_____	no	_____	absent	_____	abstained	____ recused

ORDC ACTION: Motion approved _____ Other action _____
Action denied _____ Date _____

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/15/2009
Jolene M. Molitoris, Chairwoman Date

Please Note: The 2008 Accomplishments and 2009 Opportunities and Challenges report will be conveyed separately.

RESOLUTION 09-07

RE: SENATOR SHERROD BROWN'S EFFORTS TO SECURE A FEDERAL APPROPRIATION FOR THE OHIO HUB CLEVELAND-COLUMBUS RAIL CORRIDOR PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT

A RESOLUTION EXPRESSING APPRECIATION FOR SENATOR BROWN'S EFFORTS AND REQUESTING THE OHIO CONGRESSIONAL DELEGATION SUPPORT FUNDING THE OHIO HUB RAIL CORRIDOR ENVIRONMENTAL AND PROJECT DEVELOPMENT PROCESS

WHEREAS, The Ohio Hub study concludes that the construction and operation of the Ohio Hub passenger rail system will create a significant economic stimulus in Ohio, that the economic benefits justify the investment, that construction is economically feasible and justifiable assuming an 80% federal construction match, and that the project will not be a burden on the State's annual budget, and

WHEREAS, when adequately funded and rapidly implemented the Ohio Hub passenger rail service will improve productivity, create thousands of construction jobs and permanent jobs, increase the state's income, increase travel and tourism, increase land values, generate development activity in core communities, and reduce gasoline consumption; and

WHEREAS, if fully funded it would take approximately seven years to plan, design and construct rail corridor capacity improvements needed to operate reliable, fast, frequent service with passenger train speeds up to 110-MPH as defined in the Ohio Hub Plan; and

WHEREAS, the first project development phase will create jobs and advance the required steps under the National Environmental Policy Act (NEPA) including the alternatives analysis, and will resolve decisions regarding project location, capital improvements, community priorities and environmental impacts, and provide a "record of decision" to be approved by the Federal Railroad Administration, and

WHEREAS, Ohio Senator Sherrod Brown has shown that he recognizes the energy efficiencies and economic and environmental quality benefits of passenger and freight rail and has worked to include a recommendation from the Committee on Appropriations in its Report 110-418 on July 14, 2008, under Federal Railroad Administration Railroad Research and Development, to provide $500,000 for the Ohio Hub Cleveland-Columbus Rail Corridor for a programmatic Environmental Impact Statement; and

WHEREAS, Ohio Senator Sherrod Brown and many members of the Ohio Congressional delegation voted in favor of the *Passenger Rail Investment and Improvement Act of 2008* which was passed by Congress and signed by the President on October 15, creating a new multi-year 80/20 federal capital grant program for intercity passenger rail and high-speed rail infrastructure, equipment, and technology; and

NOW, THEREFORE, BE IT RESOLVED that ORDC of the State of Ohio wishes to thank Ohio Senator Sherrod Brown for his support and visionary leadership along with his efforts to provide federal funding to advance the Ohio Hub environmental and project development process; and, be it further

RESOLVED, that ORDC requests that the Ohio Congressional delegation support Senator Brown's Appropriation Request in the Federal Fiscal Year 2009 budget and support ORDC's on-going efforts to secure funding to complete the first tier, programmatic Environmental Impact Statements needed to advance Ohio Hub rail corridor development; and, be it further

RESOLVED, that a copy of this Resolution will be sent to Ohio Senator Sherrod Brown and each member of the Ohio Congressional delegation.

Moved By _____
Seconded By_____

Upon roll call, the vote resulted as follows:

Jolene M. Molitoris, Chairwoman	____	yes	_____	no	_____	absent	____	abstained	___ recused
James G. Beasley	____	yes	_____	no	_____	absent	____	abstained	___ recused
Barbara Hammontree Bennett	____	yes	_____	no	_____	absent	____	abstained	___ recused
Robert Greenlese	____	yes	_____	no	_____	absent	____	abstained	___ recused
Solomon Jackson	____	yes	_____	no	_____	absent	____	abstained	___ recused
William Lozier	____	yes	_____	no	_____	absent	____	abstained	___ recused
Thomas McOwen	____	yes	_____	no	_____	absent	____	abstained	___ recused
William Murdock for Lt. Gov. Fisher	____	yes	_____	no	_____	absent	____	abstained	___ recused
Larry Sowers	____	yes	_____	no	_____	absent	____	abstained	___ recused
Herk Wolfe	____	yes	_____	no	_____	absent	____	abstained	___ recused

ORDC ACTION: Motion approved _____ Other action _____
Action denied _____ Date 1/15/2009

CERTIFICATE

I, the undersigned Chairwoman of the ORDC, hereby certify that the foregoing is a true and correct record of the resolution of said ORDC.

_____ 1/15/2009
Jolene M. Molitoris, Chairwoman Date